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OPINION

From:	The Council Security Committee
To:	Council of the European Union
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU [12413/22 - COM (2022) 457] • EP CULT Committee Report

With a view to the Audiovisual and Media Working Party (AVMWP) meeting on 20 September (agenda item 5 b)), delegations will find attached the EN version of the European Parliament's CULT Committee Report on EMFA adopted on 7 September 2023.

This document is also available online at:

https://www.europarl.europa.eu/doceo/document/A-9-2023-0264_EN.docx

Delegations are invited to focus on amendments 1 to 295 (pages 7-157). The rest of the text is the explanatory statement, the attached IMCO and LIBE opinions, and the results of the votes.

The draft EP Plenary agenda keeps the EMFA debate and the vote on 3 October 2023 in the morning.

ANNEX

European Parliament
2019-2024

Plenary sitting

A9-0264/2023

12.9.2023

***I
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Committee on Culture and Education

Rapporteur: Sabine Verheyen
Rapporteurs for the opinions of associated committees pursuant to Rule 57 of the Rules of Procedure:
Didier Geoffroy, Committee on the Internal Market and Consumer Protection
Ramona Strugariu, Committee on Civil Liberties, Justice and Home Affairs

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.
By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0457),

– having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0309/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Danish Parliament, the German Bundesrat, the French Senate and the Hungarian Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Data Protection Supervisor of 11 November 2022[1],

– having regard to the opinion of the European Economic and Social Committee of 14 December 2022[2],

– having regard to the opinion of the Committee of the Regions of 16 March 2023[3],

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on the Internal Market and Consumer Protection,

– having regard to the report of the Committee on Culture and Education (A9-0264/2023),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces,

[1] Not yet published in the Official Journal.
[2] Not yet published in the Official Journal.
[3] Not yet published in the Official Journal.

substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) Independent media services play a unique role ***in*** the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of 'public watchdog'. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role ***for democracy, for ensuring the rule of law and for the functioning of*** the internal market. They ***are an indispensable factor in the public opinion-forming process,*** represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of 'public watchdog'. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.

Amendment 2

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) At the same time, media services are always either carriers of cultural forms of expression or directly represent a cultural form of expression themselves. This dual character must be respected throughout. Article 167(4) of the Treaty on the Functioning of the European Union (TFEU) requires the Union to take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.

Amendment 3

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Given their unique role, the protection of media freedom and pluralism ***is an essential feature of a well-functioning*** internal market for media services ***(or 'internal media market')***. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***help*** the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.	(2) Given their unique role ***and the fact that they are one of the main pillars of democracy***, ***special attention should be paid to*** the protection of media freedom and ***media*** pluralism ***in the*** internal market for media services. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***support*** the media sector ***so that it can*** seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that

are common to the Union and to its Member States.

Amendment 4

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which ***has diverted*** financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, ***they require scale*** to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.	(3) In the digital media space, citizens and businesses access and consume media content ***and services***, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms ***and search engines,*** act as gateways to media content, with business models that ***too often*** tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms ***and search engines*** are also essential providers ***or facilitators*** of online advertising, which ***divert*** financial resources from the media sector, affecting its financial sustainability ***and journalistic work***, and consequently the diversity of content on offer***. Therefore, online platforms and search engines should be included in the scope of this Regulation in order to ensure the independence and diversity of the media***. As media services are knowledge- and capital-intensive, ***their ability to reach their audiences needs*** to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.

Amendment 5

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) However, the internal market for media services is insufficiently integrated***.*** ***A number of national restrictions hamper free movement within the internal market***. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.	(4) However, the internal market for media services is insufficiently integrated. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries. ***Furthermore, common minimum standards for national rules and approaches related to media pluralism and editorial independence should be established, while respecting the competence of the Member States.The establishment of such standards is a pre-condition to the functioning of the internal market.***

Amendment 6

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so**,** with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to ***continue to*** do so with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.

Amendment 7

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) A free and well-functioning internal market for media services is an essential pillar of a functioning democracy because it provides recipients with access to a plurality of views and trustworthy sources of information. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a truly European market for media services. In such an environment, media services are not only available but also easily accessible to Union consumers, irrespective of their Member State of

	origin. Media services created for recipients in one Member State are able to reach far further than initially intended. Divergent approaches at national level can hamper the ability of media service providers to operate on a fair level-playing field in order to make media services, including news and current affairs information available. Such approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media service providers and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that Union recipients have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies.

Amendment 8

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5b) The right to freedom of expression and information, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union (the 'Charter') and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information and media freedom and media pluralism

without interference by public authority and regardless of frontiers. They also require that diversity is established in European communication spaces and require Member States to safeguard and foster media pluralism. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights and builds upon the standards developed by the Council of Europe in that regard.

Amendment 9

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) Recipients of media services in the Union (natural persons who ***are nationals of Member States or*** benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to ***receive*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right ***to receive and impart information*** pursuant to Article 11 of the Charter ***of Fundamental Rights of the European Union (‘***the Charter***’)***. It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and	(6) Recipients of media services in the Union (natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to ***have access to independent,*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right***,*** pursuant to Article 11 of the Charter***. In accordance with Article 22 of*** the Charter***, the Union is to respect cultural, religious and linguistic diversity***. It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and

pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .

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[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .

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[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Amendment 10

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual***	(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity***, for which normally remuneration is provided including non-standard forms of employment, such as free-lancing or independent journalism***. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites

media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.	that do not offer media services. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Amendment 11

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) The media environment is undergoing major and rapid changes. While the role of the media in a democratic society has not changed, media have additional tools to facilitate interaction and engagement. It is important that media-related policy take those and future developments into account. Therefore, the notion of media used in this Regulation should be interpreted broadly to encompass all actors who are involved in the production and dissemination, to potentially large numbers of people, of content, who have editorial responsibility or who oversee content.

Amendment 12

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, ***such an entity*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, ***when such entities exercise editorial control over a section or sections of their services, they*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 13

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) The capacity of online platforms to provide access to media services without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose media services they

intermediate and distribute. Given the transfer of economic value in favour of online platforms, the definition of 'audience measurement' set out in this Regulation should be understood as including data on the media services consumed by recipients of media services and of online platforms. That will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices, which should drive competition.

Amendment 14

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players***, including online platforms,*** who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.

	Media service providers which abide by commonly agreed industry standards should not be considered providers of proprietary audience measurement systems.

Amendment 15

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants. However, the definition*** of state advertising ***should not include emergency messages by public authorities which are necessary, for example,*** in cases of natural or sanitary disasters, accidents or other ***sudden*** incidents that can cause harm to ***individuals***.	(10) State advertising should be understood broadly as covering promotional or self-promotional activities***, which include advertising and purchases*** undertaken by, for or on behalf of a wide range of public authorities or entities, including ***Union institutions, bodies, offices or agencies,*** governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national***,*** regional, or local ***level. For the purposes of allocation*** of state advertising ***and purchases including*** in cases of natural or sanitary disasters, accidents or other ***unforeseen, major*** incidents that can cause harm to ***significant portions of the population criteria should be laid down in advance by national law***. ***Emergency messages by public authorities should be understood broadly as different from state advertising.***

Amendment 16

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. ***Such*** recipients should have access to quality media services, which have been produced by journalists ***and*** editors in an independent manner and in line with journalistic standards and ***hence*** provide trustworthy information, ***including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law***. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.	(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Recipients ***of media services*** should have access to quality media services, which have been produced by journalists***,*** editors***, editors-in-chief and media workers*** in an independent manner and in line with ***ethical and professional*** journalistic standards and ***which, therefore,*** provide trustworthy information, ***of political or societal interest at local, national or international level without any interference by public authority or without being influenced by economic interests***. Such quality media services are also an ***essential*** antidote against disinformation, including foreign information manipulation and interference.

Amendment 17

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity***.*** ***Editorial independence is*** especially ***important for media service providers providing news and current affairs content*** given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.	(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity especially given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders. ***Furthermore, in order to guarantee independent and pluralistic media, it is of key importance that the necessary measures be put in place to create a safe environment that allows journalists, editors, editors-in-chief and media workers to exercise their activities. To that end, in addition to safeguarding the freedom of the media, it is necessary to protect freedom within the media.***

Amendment 18

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. ***In particular, there is*** growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from	(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. ***Because of*** growing interference with editorial decisions of media service providers in several Member States***, legislative action is necessary***. Such interference ***can***

the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their ***content*** across borders and service recipients can receive such ***content***.

represent a breach of principle of the rule of law, which can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage ***This seems to be particularly the case where economic power generates a power to shape opinions that may interfere with the public opinion forming process***. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their ***media services*** across borders and service recipients can receive such ***media services***.

Amendment 19

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) Journalists ***and*** editors are the main actors in the production and provision of trustworthy media ***content, in particular by reporting on news or current affairs***. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on ***a*** robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***contributes to*** the protection of the fundamental right enshrined in Article 11 of the Charter.	(16) Journalists***,*** editors***, editors-in-chief and media workers*** are the main actors in the production and provision of trustworthy media ***services***. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially ***both in the offline and online world***. In particular, media service providers***, media workers*** and journalists (including those operating in non-standard forms of employment, such as freelancers ***and bloggers***) should be able to rely on ***the most*** robust protection of journalistic sources and communications, including against ***arbitrary interferences and*** deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' ***and media workers'*** freedom ***of expression and capacity*** to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***is a precondition for*** the protection of the fundamental right enshrined in Article 11 of the Charter ***and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies***.

Amendment 20

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) Upholding the rule of law in the Union is essential for the functioning of democracies in the Member States. Union instruments for that purpose have expanded to include, in addition to procedure set out in Article 7 TEU, new frameworks such as the Commission's annual rule of law report and Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council[1a]. The functionality of rule of law systems is directly interlinked with free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and the state of media freedom and media pluralism is examined annually through the Commission's annual rule of law report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union's rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as the detention, sanctioning, search, seizure or inspection of media service providers, severely damage the rule of law and therefore should be considered breaches of the principle of the rule of law, thus triggering sanctioning mechanisms provided for by Article 7 TEU and Regulation (EU, Euratom) 2020/2092.

[1a] Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I , 22.12.2020, p. 1).

Amendment 21

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(16b) Surveillance methods deployed against journalists and media workers are varied and include the interception of electronic communications and metadata, device or software hacking, including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via radio-frequency identification, the global positioning system or cell-site data, data mining and social media monitoring. Such methods could gravely impact journalists' and media workers' rights to privacy, to the protection of their data and to the freedom of expression. The protections afforded by this Regulation, therefore, encompass both current forms of digital surveillance and future technologies that might appear as a result of technological innovation. Those protections are without prejudice to the application of existing and future Union law that restricts or prohibits the development and use of, and trade in, specific surveillance technologies deemed too invasive.

Spyware that grants full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy and should, therefore, under no circumstance be considered necessary and proportionate under Union law.

Amendment 22

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs ***harmonisation and further strengthening*** at Union level.	(17) The protection of journalistic sources ***and communications*** is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed that there are very different approaches to the matter and that journalistic sources are not protected in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border

audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs ***to be strengthened as comprehensively and as extensively as possible. To that end, this Regulation harmonises the standard of protection provided to journalistic sources and communications by introducing minimum rules*** at Union level. ***An interference with journalistic sources always needs to be balanced against the harm to the freedom of expression and information. Any measures which interfere with journalistic sources should be subject to appeal to a court. Journalists working on cross-border projects should benefit from the highest standards of protection of the Member States involved. At Union level, the protection of journalistic sources and communications should correspond, as minimum, to the protection provided in accordance with international and European standards and should be in accordance with the case law of the Court of Justice of the European Union and the European Court of Human Rights.***

Amendment 23

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) Digital safety and the confidentiality of electronic communications have become a major

concern for journalists and media workers. In light of that fact, the promotion and protection of anonymisation tools and end-to-end encrypted services used by media service providers and their employees needs to be encouraged at Union level in order to ensure an equal level of access to such equipment across all Member States. Those tools have become vital for them to freely exercise their work and their rights to privacy, to data protection and to the freedom of expression, including by securing their communications and protecting the confidentiality of their sources.

Amendment 24

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their ***mission***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive***.*** This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This ***situation*** may lead to biased or partial media coverage, distort	(18) Public service media established by the Member States play a particular role in the internal media market ***and in safeguarding media pluralism***, by ensuring that citizens and businesses have access to ***a diverse content offer, including*** quality information and impartial media coverage, as part of their ***remit. They provide a forum for public discussion and a means of promoting the broader democratic participation of individuals. That is why media pluralism can only be guaranteed by a proper diversity reflected in the content offer of public service media. Independence of public service media is particularly important***

competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***mission*** that enables predictability in their planning***. Preferably,*** such funding should be decided and appropriated on a multi-year basis, in line with the public service ***mission*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. ***The*** requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

during electoral periods to ensure citizens have access to impartial and quality information. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive***, which might expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their existence.*** This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This ***risk can also result in politically appointed senior management exerting pressure on the editorial independence of journalists and editors-in-chief for political or economic interests. Those situations*** may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. ***The management of public service media providers should be independent, impartial and free from political or economic interests. There should be clear rules for any conflicts of interest on the part of the management of public media service providers. The persons or bodies constituting the highest decision-making authority within public service media providers should be appointed, and, if necessary, dismissed in accordance with predictable, transparent, non-discriminatory, gender-balanced and objective criteria, ensuring the qualification of persons filling those positions.*** It is also necessary to guarantee

that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***remit*** that enables predictability in their planning***, allows them to develop offerings for new areas of interest to the public or new content and forms and evolve technologically in order to maintain a competitive position on the internal media market.*** Such funding should be decided and appropriated ***on the basis of predictable, transparent, independent, impartial and non-discriminatory procedures,*** on a multi-year basis, in line with the public service ***remit*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations***.. The transparency*** requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States , annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union***, (the 'Amsterdam Protocol')***.

Amendment 25

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18a) For the benefit of European audiences, public service media providers should promote media pluralism and contribute to making media markets

more robust. They should offer an extensive array of content catering to diverse interests, perspectives and demographics, encompassing all segments of society, including minorities.

Amendment 26

Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission	*Amendment*
	(18b) Article 5(2) should not apply to a media service provider that is part of a group of which the securities are admitted to trading on a regulated market of any Member State and of which the total revenues linked to the public service remit represent less than 10 % of the consolidated media related revenue of such group at the time at which this Regulation enters into force.

Amendment 27

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a	(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a

prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is ***also*** an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for ***all relevant*** media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849[49] should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is***, therefore,*** an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for media service providers ***exercising editorial responsibility*** across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849[49] should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible ***in a user-friendly format***. ***It is therefore necessary that Member States entrust a relevant national regulatory authority or body with monitoring compliance with such information requirements and with developing and maintaining a media ownership database. That national regulatory authority or body should be able to request and receive additional information from media service providers relevant to its tasks. To further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services, the Board should establish and maintain a European database of media ownership.***

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[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the

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[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the

Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Amendment 28

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19a) Public access to certain contact details, ownership information and information on state advertising and state financial support allocated to media service providers is essential so that the recipients of media services can understand and scrutinise potential conflicts of interest, contributing at the same time to preserving trust and facilitating the timely and efficient availability of information for national regulatory authorities or bodies or the Board. Nevertheless, in order to mitigate possible administrative burden, certain categories of data should be provided only in duly justified cases, in a proportionate and balanced manner and to guarantee the rights to respect for private life and the protection of personal data.

Amendment 29

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Media integrity ***also requires a proactive approach to promote*** editorial independence ***by news*** media ***companies***, in particular through internal safeguards. Media service providers should adopt ***proportionate*** measures to guarantee***, once the overall editorial line has been agreed between their owners and editors,*** the freedom of ***the*** editors to take ***individual*** decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency ***of*** actual or potential conflicts of interest to their service recipients.	(20) Media integrity ***can be supported by promoting and ensuring journalistic standards across the Union and by promoting and ensuring the*** editorial independence ***of*** media ***service providers***, in particular through internal safeguards***, in order to guarantee that information is trustworthy and that any ideological orientation is limited by the absolute requirement to report the news and opinions truthfully and ethically***. Media service providers should adopt measures to guarantee the freedom of editors ***and editors-in-chief*** to take ***editorial*** decisions***, on the basis of the established editorial line,*** in the course of their professional activity. ***Those measures should not only reinforce the safeguards for freedom of the media but also freedom within the media.*** The objective to shield editors ***and editors-in-chief*** from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter ***and with Resolution 1003 (1993) of the Council of Europe***. In view of these considerations, media service providers should also ensure transparency ***and disclose any*** actual or potential conflicts of interest to their service recipients ***and ensure that their owners, publishers and management follow the highest professional standards with respect to***

editorial integrity and independence.

Amendment 30

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) ***To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council***[50] ***should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation***[51] provides a catalogue of voluntary internal safeguards that ***can be adopted*** within media companies in this regard. ***The present*** Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.	(21) ***Media service providers should adopt internal safeguards in line with their structures and needs. The Recommendation that accompanies this Regulation***[50] provides a catalogue of voluntary internal safeguards that ***could be considered*** within media companies in this regard. ***This*** Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative ***to decide on the composition of their editorial teams or on their editorial line,*** to set strategic or general goals and to foster the growth and financial viability of their undertakings. ***However, this Regulation should also not be construed as meaning that the owner or corporate manager of a media service provider can unduly interfere with the work of its editors and editors-in-chief operating in accordance with its established editorial line by, for example, compelling them to add or remove content before it is made available to the public.*** In this respect, this Regulation recognises that the goal of ***ensuring and*** fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.
_____	_____

[50] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

[51] OJ C , , p. .

[50] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

[51] OJ C , , p. .

Amendment 31

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law***, it is necessary that national regulatory authorities or bodies hold consultations with representatives of media service providers, civil society organisations, media experts, representatives of academia, trade union associations and associations of journalists. In addition***, it is necessary to set up an independent advisory body at

European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.	Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. ***National regulatory authorities or bodies should have adequate financial and human resources proportional to the additional tasks conferred to them under this Regulation to perform necessary tasks within Member States and enable the independent and effective functioning of the Board and the application of this Regulation. National regulatory authorities or bodies should enjoy full operational autonomy and be independent of any political and economic interference. The independence of national regulatory authorities or bodies participating in the activities of the Board is a necessary condition for the effective performance of the Board's tasks and the credibility of the Expert Group established by this Regulation.***

Amendment 32

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The Board should bring together senior representatives of the national regulatory authorities or bodies ***referred to*** in Article 30 of Directive 2010/13/EU***, appointed by such authorities or bodies***. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, in agreement with the Commission, ***experts and*** observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of ***the votes***.	(23) The Board should bring together senior representatives of the national regulatory authorities or bodies ***established in accordance with the requirements set out*** in Article 30 of Directive 2010/13/EU. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies ***or, where applicable, a common representative of self-regulatory or co-regulatory mechanisms*** to participate, as appropriate, in the meetings of the Board. The Board ***and the Expert Group*** should also have the possibility to invite to attend its meetings, ***external experts on a case-by-case basis. The Board should also have the possibility,*** in agreement with the Commission, ***to designate permanent*** observers ***to attend its meetings***, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of ***of its members with voting rights. The Board's rules of procedure should specify the role and tasks of, and the procedures for the***

appointment and the term of office of the members of, the Steering Group. The Steering Group should consist of a chair, a vice-chair, the outgoing chair and two other members. The election of the chair and of the other members of the Steering Group should take into account the principle of geographical balance. Furthermore, in its rules of procedure, the Board should include mechanisms for the prevention and management of conflicts of interest, for assessing the independence of the national regulatory authorities or bodies and for temporarily suspending the voting rights of members whose independence has been challenged.

Amendment 33

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23a) The Board will need to address, in accordance with this Regulation, issues beyond the remit of the ERGA, in particular issues related to press publications, radio, online media. It is thus necessary to establish an Expert Group, consisting of experts, media representatives of self-regulatory or co-regulatory organisations such as journalistic associations, media or press councils, and representatives of civil society, to advise and consult the Board on the implementation of this Regulation. The composition of the Expert Group should be determined by the Board's rules

of procedure and reflect the existing self-regulatory media frameworks from each Member State and different sectoral and geographic areas within the Member States. In addition to representatives from the Member States, the Expert Group should consist of widely recognised and established European organisations representing diverse interests from the media sector. The Expert Group should be positioned within the structure of the Board. The Expert Group should advise the Board on the performance of its tasks. The Expert Group should have the necessary autonomy to act independently. The Expert Group should be able to invite, on its own initiative, experts and media representatives, whether in a structured dialogue or otherwise, to help it assess the application of this Regulation and to contribute to its work based on its needs. The Expert Group should be empowered to issue recommendations and draw the Board's attention to possible breaches of this Regulation on its own initiative or where requested by the Commission or by the European Parliament. The Expert Group should make its recommendations or reports on the results of consultations with relevant stakeholders publicly available. Such contributions of the Expert Group should provide the Board with adequate information to base its decisions upon them, while complementing and feeding into existing established mechanisms in the Union, such as the Commission's annual rule of law reports or the Media Pluralism Monitor. Such contributions should also enable the Board to deal with outstanding issues. The Board should take into consideration such contributions when preparing its annual work programme. The Board should be able to

seek advice from the Expert Group whenever it needs analysis and insight from a particular field of expertise. The Board should consult the Expert Group for any opinion or decision the Board takes which relates to issues beyond the audiovisual media sector.

Amendment 34

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. ***In particular,*** the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices ***and*** draw up opinions ***in agreement with*** the Commission or ***upon its request*** in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***a*** secretariat provided ***by the Commission. The Commission*** secretariat should provide administrative and organisational	(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. ***Nevertheless, the Board's work should be independent from the Commission and from any political or economic influence.*** The Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices***,*** draw up opinions ***and carry out any other tasks on its own initiative or at the request of*** the Commission or ***the European Parliament*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its

support to the Board, and help the Board in carrying out its tasks.	tasks, the Board should be able to rely on the expertise and human resources of ***an independent secretariat. The*** secretariat ***should act only on the Board's instructions. The secretariat should be*** provided ***with sufficient budgetary and human resources. The*** secretariat should provide ***substantive,*** administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Amendment 35

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission	*Amendment*
	(24a) It is important that the Board issue, in cooperation with the national regulatory authorities or bodies and taking into account existing national law, guidelines on the definition of media services of general interest and on the criteria, assessment framework and process for determining their scope. It is important that those guidelines be consistent with Union values and established general interest objectives such as media pluralism, freedom of expression, access to reliable information, social cohesion and cultural diversity.

Amendment 36

Proposal for a regulation
Recital 25

Text proposed by the Commission	*Amendment*
(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council[52] , which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.	(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council[52] , which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks. ***Therefore, the Board, in consultation with the Commission, should also be able to establish cooperation arrangements with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations.***
[52] Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p.	[52] Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p.

69-92).

69-92).

Amendment 37

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media law, to prevent ***the*** possible circumvention of the applicable ***media*** rules by rogue media service providers and to avoid ***the raising of*** additional barriers in the internal market ***for media services***, it is essential ***to provide for a clear, legally binding framework for*** national regulatory authorities or bodies ***to*** cooperate effectively and efficiently.	(26) ***In 2020, the ERGA adopted a Memorandum of Understanding consisting of a voluntary framework for cooperation to strengthen the cross-border enforcement of media rules on audiovisual media services and video-sharing platform services. Building on that voluntary framework and in order*** to ensure the ***comprehensive and*** effective enforcement of Union ***measures concerning*** media law, to prevent possible circumvention of the applicable rules by rogue media service providers and to avoid additional barriers ***to the provision of media services*** in the internal market, it is essential ***that*** national regulatory authorities or bodies cooperate effectively and efficiently ***with one another within the established legal framework***.

Amendment 38

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect ***viewers*** of video-sharing platform services from certain ***illegal and*** harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.	(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect ***users*** of video-sharing platform services from certain harmful content, including commercial communications. In particular***, and without prejudice to the country-of-origin principle***, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.
[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).	[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

Amendment 39

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring a consistent ***regulatory practice regarding*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission ***may*** issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the	(28) Ensuring a consistent ***and effective implementation of*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission ***should*** issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ***Such guidelines should be drafted with the support of the Board and should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and be without prejudice to existing national prominence measures.*** It would also be useful to provide guidance on national

Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.	measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Amendment 40

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28a) Minimum harmonisation of rules regarding restrictions on media ownership across the European Union is one of the fundamental ways of guaranteeing a fair plurality of views, of protecting fair competition among media services providers within the European media market and of upholding the right of consumers to receive a variety of diverse sources of information and diverse opinions in an impartial and pluralistic manner. For that reason, certain politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849, such as heads of State, heads of government and ministers, should, after being appointed as such, terminate their business relationship with a media service provider.

Amendment 41

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common ***technical prescriptions*** for devices controlling or managing access to and use of audiovisual media services ***or*** carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.	(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common ***harmonised European standards*** for devices controlling or managing access to and use of audiovisual media services***, including remote controls, or devices*** carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.

Amendment 42

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical	(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical

expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from ***activities of*** media ***service providers established*** outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they ***may prejudice or pose risks*** of prejudice to public security and defence. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services ***established*** outside ***of*** the Union and targeting audiences in the Union, including the possibility for the Board, ***in agreement with the Commission***, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of

expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression ***and safeguarding and promoting media pluralism***. This is key in particular when it comes to protecting the internal market from media ***services from*** outside the Union***, irrespective of the means by which they are distributed or accessed,*** that target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they ***contain a public provocation to commit a terrorist offence as set out in Directive (EU) 2017/541 or constitute a serious and grave risk*** of prejudice to public security and ***to the safeguarding of national security and*** defence***. Media service providers established outside the Union and wishing to benefit from the free movement of media services for their media offerings, as one of the advantages of the internal market of the Union, should be subject to the same conditions and requirements as media service providers established within the Union***. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that ***the same*** media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in

the Union under Article 215 of the Treaty on the Functioning of the European Union.

compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services ***from*** outside the Union and targeting audiences in the Union, including the possibility for the Board, ***on its own initiative or at the request of the relevant national regulatory authority or body***, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 43

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play ***an important*** role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory ***requirements*** they are subject to in the Member States. Therefore, also	(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play ***a key*** role in the distribution of ***and access to*** information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***requirements and co-regulatory*** or self-regulatory ***mechanisms***

in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article ***26*** of Regulation (EU) ***2022/XXX [the Digital Services Act]***, they should duly ***consider*** freedom and pluralism ***of media***, ***in accordance with Regulation (EU) 2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as ***their*** business ***users*** in the statement of reasons ***under*** Regulation (EU) 2019/1150 of the European Parliament and of the Council***[54]*** . To minimise the impact of any restriction ***to that content*** on users' freedom of information, very large online platforms should ***endeavour to submit*** the statement of reasons prior to the restriction taking effect ***without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/XXX [the Digital Services Act]***.

they are subject to in the Member States***. At the same time, providers of very large online platforms should also take due account of users' right to freedom of expression and information, media freedom and media pluralism. Providers of very large online platforms should contribute in an appropriate manner to the plurality of the media by respecting the freedom of media service providers to exercise their activities without restrictions***. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article ***34*** of Regulation (EU) ***2022/2065***, they should duly ***respect media*** freedom and ***media*** pluralism, and provide, as early as possible, the necessary explanations to media service providers as ***a*** business ***user,*** in the statement of reasons ***referred to in*** Regulation (EU) 2019/1150 of the European Parliament and of the Council ***[54] and Regulation (EU) 2022/2065***. To minimise the impact of any ***suspension or*** restriction on users' freedom of information, very large online platforms should ***provide the media service provider with an opportunity to reply to*** the statement of reasons***, within 24 hours,*** prior to the restriction ***or suspension*** taking effect. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/2065. Where a provider of a very large online platform***

	still intends to apply the suspension or restriction, the competent regulatory authority or body or the body of the self-regulatory or co-regulatory mechanism should decide whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions and, in particular, taking into account fundamental freedoms.
[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).	[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

Amendment 44

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers ***adhere to*** certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and ***without undue delay***.	(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers ***comply with*** certain regulatory or self-regulatory standards, their complaints ***and, where applicable, complaints filed by their representative bodies in accordance with Regulation (EU) 2022/2065*** against decisions of providers of very large online platforms are treated with priority and***, in any event, no later than 24 hours after their submission***.

Amendment 45

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility ***not to accept*** such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding ***adherence to*** these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.	(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility ***for*** such self-declaration ***to be confirmed, for example by the national regulatory authorities or bodies or the body of the self- or co-regulatory mechanism,*** where they consider that these conditions are not met***. If confirmed in that manner, media service providers should be deemed to be recognised media service providers. It should also be possible to refer the matter to the Board, which should be able to issue a recommendation on such matters***. Providers of very large online platforms may rely on information regarding ***compliance with*** these requirements, such as the machine-readable standard of the Journalism Trust Initiative***, developed under the aegis of the European Committee for Standardisation,*** or other relevant codes of conduct. ***That mechanism should not deter very large online platforms from signing up to voluntary commitment No 22 of the EU Code of Practice on Disinformation or from taking measures to foster the visibility, discoverability and prominence of media services in their***

recommendation systems provided by media service providers that demonstrably comply with professional and ethical standards for journalism. Certification to ISO standards for professional and ethical journalism, such as the Journalism Trust Initiative could serve as a benchmark in that regard. Guidelines ***issued*** by the Commission***, in consultation with the Board,*** may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 46

Proposal for a regulation
Recital 34

Text proposed by the Commission	*Amendment*
(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and ***widely-recognised*** media self-regulation	(34) This Regulation recognises the importance of ***co-regulatory and*** self-regulatory mechanisms ***that are legally recognised in the relevant media sector in one or more Member States*** in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling,

represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.

amongst themselves and for themselves. Robust, inclusive and ***widely-accepted*** media ***co-regulation and*** self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.

Amendment 47

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. ***Where the provider of a very large online platform and a media service provider fail to find an amicable solution, the media service provider should be able to lodge a complaint before a certified out-of-court dispute settlement body in accordance with Regulation (EU) 2022/2065.***

Amendment 48

Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission	*Amendment*
	(35a) Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from fighting disinformation or protecting minors. In this context, obligations should not apply in instances of down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law. At the same time, it should be recognised that services acting in a not-for-profit purpose capacity, such as online encyclopaedias as well as educational and scientific repositories, should not be considered very large online platforms for the purpose of Article 17.

Amendment 49

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board***, with the involvement of the Expert Group,*** should,

dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation ***and*** to monitor ***adherence to*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/XXX [Digital Services Act]*** and may ask the Board to support it to this effect.

at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, ***providers of very large search engines,*** representatives of media service providers and representatives of civil society***, including from fact-checking organisations,*** to foster access to diverse offers of independent media on very large online platforms ***and very large search engines***, ***to*** discuss experience and best practices related to the application of the relevant provisions of this Regulation***,*** to monitor ***compliance with*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation***, and to assess the possible negative effects that such initiatives or content moderation policies might have on media freedom and media pluralism***. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/2065*** and may ask the Board ***and the Expert Group*** to support it to this effect.

Amendment 50

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) ***Recipients of*** audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however	(37) ***Users of audio and*** audiovisual media services should be able to effectively choose the ***audio and*** audiovisual content they want to ***listen to or*** watch according to their preferences.

be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the ***recipients***' ***viewing*** behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. ***Service recipients*** should have the possibility to change, in a simple and user-friendly manner, the ***default*** settings ***of a device or*** user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive ***2010/13/EC***, taken in the pursuit of legitimate public policy considerations.	Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of ***audio and*** audiovisual media services, such as connected televisions ***or car audio systems***, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware***, including remote controls,*** or software shortcuts, applications and search areas, which have implications on the ***users***' behaviour, who may be unduly incentivised to choose certain ***audio or*** audiovisual media offers over others. ***Users of audio or audiovisual media services*** should have the possibility to change, in a simple and user-friendly manner, the settings ***and default layout, including the configuration of audiovisual media services or of applications allowing users to access such services, on a*** user interface ***or on devices*** controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest***, in particular measures*** implementing Article 7a ***and 7 b*** of Directive ***2010/13/EU***, taken in the pursuit of legitimate public policy considerations.

Amendment 51

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37a) Users of media services increasingly face difficulties in identifying who bears the editorial responsibility for the media services they use, in particular when they access them through connected devices, user interfaces or online platforms. Failure to clearly indicate editorial responsibility for media content or services, for example by incorrectly attributing or removing logos, trademarks or other characteristic traits, deprives users of media services of the ability to understand and assess the information they receive. Users of media services should therefore be able to easily identify the media service provider bearing the editorial responsibility for any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Amendment 52

Proposal for a regulation
Recital 37 b (new)

Text proposed by the Commission	*Amendment*
	(37b) Audiovisual media services are subject to various obligations to meet public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore essential that devices be designed in such a way that ensures fair access to audiovisual media services in all their diversity, from the

perspective of both viewers and media service providers. In that regard, particular attention should be paid to the impact of device manufacturers' choices with respect to the design of remote controls. Numeric keypads should therefore be standard on television remote controls to avoid users becoming unjustifiably dependent on user interfaces designed by equipment manufacturers.

Amendment 53

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can negatively affect ***the operation*** of media service providers in the internal market. ***They include***, for example***,*** rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***;*** they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.	(38) Different legislative, regulatory or administrative measures can negatively affect ***media pluralism and the editorial independence*** of media service providers ***regarding either the provision or the operation of their media services*** in the internal market. ***Such measures can take various forms***, for example rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***.*** They also include decisions related to licensing, ***such as revoking, or preventing the renewal of, media service providers' licences or in any way unjustifiably blocking or limiting their ability to broadcast, print or otherwise disseminate content, and decisions related to*** authorisation or prior notification for media service providers. In order to mitigate their potential negative impact ***on media pluralism and editorial***

independence and on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures ***minimise disruptions to the activities of media service providers and*** comply with the principles of objective justification, transparency, non-discrimination and proportionality. ***Any measures that negatively affect media pluralism, editorial independence or the operations of media service providers, including where they are related to the implementation of Union legal acts such as Directive 2010/13/EU, should be communicated to media service providers well in advance of their adoption in order to prevent possible disruptions and allow media service providers enough time to assess the impact of such measures on media pluralism and editorial freedom. The requirement to communicate such measures does not aim to affect national measures implementing Directive 2010/13/EU, in so far as they do not affect media pluralism and editorial independence, national measures taken pursuant to Article 167 TFEU, national measures taken for the purpose of promoting European works or national measures which are otherwise governed by State aid rules.***

Amendment 54

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion, on the ***Commission's*** request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.	(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** the request ***of the Commission or the European Parliament***, where national measures are likely to affect the functioning of the internal market for media services ***or to impact media pluralism and editorial independence***. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State. ***A media service provider individually and directly affected by such a measure should be able to request that the Board draw up an opinion on that measure.***

Amendment 55

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) Media play a decisive role in shaping public opinion and ***helping*** citizens ***participate*** in democratic processes. This is why Member States should provide for rules and procedures in ***their legal systems to ensure*** assessment of media market concentrations that could have ***a significant*** impact on media pluralism ***or***	(40) Media play a decisive role in shaping public opinion and ***enabling*** citizens ***to access relevant information for participation*** in democratic processes. This is why Member States should provide for rules and procedures in ***national law to enable a quality*** assessment of media market concentrations that could have ***an***

editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.

impact on media pluralism ***and*** editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion***, including very large online platforms carrying content provided by media service providers which control access to and the visibility of the content of media service providers*** in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. ***Moreover, local and regional media market players play a key role in shaping public opinion. It is, therefore, necessary to take into account the sustainability of a strong, pluralistic and well-funded local and regional media ecosystem, especially when assessing media market concentrations. Therefore, it is essential to provide for such rules and procedures in order to avoid conflicts of interest between media ownership concentrations and political power, which are detrimental to free competition, a level playing field and media pluralism.***

Amendment 56

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence ***are*** set out in advance.	(41) National regulatory authorities or ***bodies, or when appropriate self-regulatory*** bodies, who have specific expertise in the area of media pluralism, should be ***significantly*** involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that ***appropriate deadlines and*** objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence ***be*** set out in advance.

Amendment 57

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of	(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of

this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of ***the impact of*** media market concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.	this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of media market concentrations ***that could have an impact*** on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.
_____	_____
[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).	[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

Amendment 58

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or	(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or

operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, ***on its own initiative or*** upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 59

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would	(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would

still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the ***individual*** editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the ***individual*** editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the editorial decisions within the media undertakings involved should also be taken into account***.*** ***Furthermore, the results of the Commission's annual rule of law reports presented in the chapters on press freedom and the risk assessment carried out annually by media monitoring exercises should be considered in determining the overall climate for media and the effects of the media market concentration in question over media pluralism and editorial independence***. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment 60

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide ***their own*** measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and ***in*** potential market distortions, to the detriment of equality of opportunities for media service providers in the market.	(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective ***and comparable*** audience data stemming from transparent, unbiased and verifiable audience measurement solutions. ***Such solutions should comply with Union data protection and privacy rules.*** However, certain new players that have emerged in the media ecosystem***, such as very large online platforms,*** provide ***proprietary*** measurement services without making available information on their methodologies. This could result in ***audience data that is not comparable,*** information asymmetries among media market players and potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment 61

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error ***as well as*** the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under ***Regulation 2019/1150 or*** Regulation (EU) ***2022/XX [Digital Markets Act]***, including those concerning ranking or self-preferencing.	(46) In order to enhance the verifiability***, comparability*** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies***. In principle, audience measurement should be carried out in accordance with widely-accepted industry self-regulatory mechanisms***. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error***,*** the measurement period ***and the coverage of measurement. Furthermore, providers of proprietary audience measurement systems should provide media service providers with anonymised data, including non-aggregated data, in an industry-standard and comparable form. Such data should be at least as granular as data from the industry's recognised self-regulatory mechanisms***. The obligations imposed under this Regulation are without prejudice ***to the right of audiences to the protection of personal data concerning them as provided for by Article 8 of the Charter and Regulation (EU) 2016/679 of the European Parliament and of the Council [1a] and*** to any obligations that apply

to providers of audience measurement services under Regulation (EU) ***2019/1150 or (EU) 2022/1925***, including those concerning ranking or self-preferencing ***or to the protection of undertakings' trade secrets as defined in Article 2 of Directive (EU) 2016/943***.

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[1a] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Amendment 62

Proposal for a regulation
Recital 47

Text proposed by the Commission	*Amendment*
(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, can contribute to the effective application of this Regulation and should, therefore, be encouraged. ***Self-regulation has*** already been used to foster high quality standards in the area of audience measurement. ***Its*** further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the	(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***together with media service providers, their representative organisations, online platforms and other relevant stakeholders,*** can contribute to the effective application of this Regulation and should, therefore, be encouraged. ***Self-regulatory mechanisms widely recognised in the media industry have*** already been used to foster high quality standards in the area of audience measurement.

principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers***,*** account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Moreover, such self-regulatory mechanisms, known as joint industry committees, are able to ensure that audience measurement is impartial and audience measurement data are comparable. An inconsistent take-up of such mechanisms among the Member States could negatively impact advertising. The adoption of such mechanisms should therefore be promoted at national level. The further development ***of self-regulatory mechanisms, including with the assistance of national regulatory authorities or bodies,*** could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment 63

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) State advertising ***is*** an important source of revenue for many media service	(48) ***Public funds for the purposes of*** state advertising ***and purchases are*** an

providers, contributing to their economic sustainability. Access to ***it*** must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence ***or*** 'capture' media service providers. The distribution and transparency of state advertising ***are*** in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which***, however, may not cover all state advertising expenditure nor*** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

important source of revenue for many media service providers, ***providers of online platforms and providers of online search engines,*** contributing to their economic sustainability. Access to ***such funds*** must be granted in a non-discriminatory way to any media service provider***, provider of online platforms and provider of online search engines*** from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, ***public funds for the purposes of*** state advertising ***and purchases from State-affiliated entities such as State-owned companies, particularly in the form of funding or purchasing goods or services,*** may make media service providers vulnerable to undue state influence ***or partial interests*** to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of ***public funds for the purposes of*** state advertising ***and purchases*** is therefore a powerful tool to exert influence ***on the editorial freedom of media service providers,*** 'capture' media service providers ***or covertly subsidise or finance politically captured media service providers to gain unfair political or commercial advantage or favourable coverage. That is why, in order to address such situations, public funds allocated for the purposes of state advertising directed by a public authority or a State-controlled or State-owned enterprise to a single media service provider, a single provider of an online platform or a single provider of an online search engine should not exceed 15 % of the total amount allocated to state advertising by that public authority or State-controlled or State-owned enterprise to the totality of media service***

providers operating at national level. The distribution and transparency of ***public funds for the purposes of*** state advertising ***and purchases is*** in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which ***do not*** offer sufficient protection against preferential or biased distribution***. That can create information asymmetry, increase risks for media market players and have a negative impact on cross-border economic activity. For example, channeling public funds to pro-government media outlets or to receive favorable media coverage through public expenditure distorts competition and discourages investments in the internal market and is detrimental to fair competition within the media market ecosystem***. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on ***public funds for the purposes of*** state advertising ***and purchases***, where they exist, diverge significantly from one Member State to another.

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[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

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[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Amendment 64

Proposal for a regulation
Recital 49

Text proposed by the Commission	*Amendment*
(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and ***of state resources*** to media service providers ***for the purpose of purchasing goods or services from them other than state advertising***, including the requirement to publish information on the beneficiaries of state advertising ***expenditure*** and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.	(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of ***public funds for the purposes of*** state advertising and ***purchases*** to media service providers***, to providers of online platforms or to providers of online search engines in accordance with Regulation (EU) 2022/2065***, including the requirement to publish information on the beneficiaries of ***public funds for the purposes of*** state advertising ***and purchases*** and the amounts spent. It is ***thus necessary for national regulatory authorities or bodies to monitor and report on the allocation of public funds for the purposes of state advertising and purchases to media service providers, to providers of online platforms and to providers of online search engines. Where requested by national regulatory autorities or bodies, public authorities and state-affiliated entities should provide them with additional information necessary to assess the accuracy of information published and the application of criteria and procedures used for such state public funds. It is*** important that ***the Union and the*** Member States make the necessary information related to ***public funds for the purposes of*** state advertising ***and purchases*** publicly accessible in an electronic format that is easy to view, access and download, in compliance with

Union and national rules on commercial confidentiality. ***Moreover, it is necessary to create easily understandable and publicly available reports in order to gather all information concerning the allocation of public funds for the purposes of state advertising and purchases provided by media service providers, providers of online platforms and providers of online search engines. Those reports should provide a yearly overview of the total amount of public funds for the purposes of state advertising and purchases from State entities, including from third countries, allocated to each media service provider, provider of online platforms and provider of online search engines. The Board should provide the national regulatory authorities or bodies with guidance for reporting on the allocation of public funds for the purposes of state advertising and purchases.*** This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 65

Proposal for a regulation
Recital 49 a (new)

Text proposed by the Commission	*Amendment*
	(49a) Emergency messages by public authorities are a necessary form of informing the general public about risks in the event of a natural or health disaster, an accident or any other sudden unforeseen, major incident that could cause harm to significant sections of the

population. Emergency situations have the potential to create new or enhance existing vulnerabilities in the media sector. In that context, the allocation of State resources for transmitting emergency messages could make media service providers vulnerable to undue State influence to the detriment of fundamental rights and the freedom to provide services. While emergency situations are becoming increasingly cross-border in nature, the rules on the allocation of State resources differ from one Member State to another, creating fragmentation and legal uncertainty in the internal media market. Therefore, such allocations to media service providers, providers of online platforms and providers of online search engines should follow the same harmonised rules as those for public funds for the purposes of advertising and purchases. Nevertheless, recognising the urgency of taking measures during a crisis period, special provisions should apply in order to allow State authorities and State-owned or State-controlled enterprises and entities to comply with transparency and reporting obligations once the emergency situation has ended.

Amendment 66

Proposal for a regulation
Recital 50

Text proposed by the Commission	*Amendment*
(50) Risks to the functioning and resilience of the internal media market	(50) Risks to the functioning and resilience of the internal media market**,**

should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of ***concentration*** of the market at national and regional level and risks ***of foreign information manipulation and interference***. ***It*** should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, ***the level of cross-border activity and investment,*** regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, ***as well as*** transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of ***individual*** editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the

including risks of information manipulation and interference, should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of ***existing concentrations*** of the ***media*** market at national and regional level and ***the*** risks ***such concentrations pose to editorial independence and media pluralism***. ***In order to bring clarity to market participants and allow for the monitoring of the functioning of the internal market, while assessing the impact on editorial independence and media pluralism in the Union, it is necessary that the Commission provide an objective overview on existing media market concentrations, both in terms of their contribution to the structure of the media market and to the diversity of media ownership and of their influence on the formation of public opinion in each Member State. Such monitoring*** should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board***. Additionally, in order to facilitate the effective application of this Regulation, the Commission should establish a user-friendly alert mechanism to allow media service providers and any relevant interested party to report any issues they encounter or any risks they detect concerning the application of this Regulation. Such a mechanism will help the Commission to identify and address potential infringements of this Regulation more quickly***. Given the rapidly evolving nature of risks and technological developments in the internal media

highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including ***the position of media service providers*** in a digital environment, ***the compliance of providers of very large online platforms and providers of very large online search engines with their obligations and*** transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved. ***Such monitoring should also take into account the results of existing media monitoring exercises in all Member States, the monitoring exercises referred to in the Media and Audiovisual Action Plan, established in the communication of the Commission of 3 December 2020 entitled 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation', the results from the Media Pluralism Monitor and findings***

from the Commission's annual rule of law reports.

Amendment 67

Proposal for a regulation
Recital 50 a (new)

Text proposed by the Commission	*Amendment*
	(50a) It is important that the European Centre for Press and Media Freedom in Leipzig and the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence be recognised as having relevant expertise in media freedom and pluralism. It is also important that European instruments such as the Euromedia Ownership Monitor be taken into account when dealing with media ownership in Europe.

Amendment 68

Proposal for a regulation
Recital 51

Text proposed by the Commission	*Amendment*
(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation)	(51) ***The Commission should be able to take the necessary actions to monitor the effective implementation of, and compliance with the obligations laid down in, this Regulation.*** To prepare the ground for a correct implementation of

should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.	this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Amendment 69

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while ***preserving the quality*** of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services ***(the 'Board'), and common basic principles to serve as minimum standards***, while ***ensuring the independence*** of media services.

Amendment 70

Proposal for a regulation
Article 1 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. This Regulation shall not affect ***rules laid down by***:	2. This Regulation shall not affect:

Amendment 71

Proposal for a regulation
Article 1 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) competition rules, including those laid down by Regulation (EC) No 139/2004;

Amendment 72

Proposal for a regulation
Article 1 – paragraph 2 – point a b (new)

Text proposed by the Commission	*Amendment*
	(ab) Directive 2001/29/EC;

Amendment 73

Proposal for a regulation
Article 1 – paragraph 2 – point a c (new)

Text proposed by the Commission	*Amendment*

(ac) Directive 2019/789/EU;

Amendment 74

Proposal for a regulation
Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) rules laid down by Directive 2010/13/EU;

Amendment 75

Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) Regulation (EU) ***2022/XXX [the Digital Services Act]***;	(d) ***rules laid down by*** Regulation (EU) ***2022/2065***;

Amendment 76

Proposal for a regulation
Article 1 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) Regulation (EU) ***2022/XXX [the Digital Markets Act]***;	(e) ***rules laid down by*** Regulation (EU) ***2022/1925***;

Amendment 77

Proposal for a regulation
Article 1 – paragraph 2 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) rules laid down by Directive (EU) 2019/1937 of the European Parliament and of the Council[1a];
	[1a] Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

Amendment 78

Proposal for a regulation
Article 1 – paragraph 2 – point f b (new)

Text proposed by the Commission	*Amendment*
	(fb) Directive (EU) xxx/ XXX of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation").

Amendment 79

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II ***and*** Section 5 of Chapter III, provided that those rules comply with Union law.	3. This Regulation shall not affect the possibility for Member States to adopt more detailed ***or stricter*** rules in the fields covered by Chapter II***,*** Section 5 of Chapter III ***and Article 24***, provided that those rules comply with Union law.

Amendment 80

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission	*Amendment*
(1) 'media service' means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;	(1) 'media service' means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications***, or excerpts from them,*** to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;

Amendment 81

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'media service provider' means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) 'media service provider' means a natural or legal person***,*** whose professional activity***, regardless of whether, in the case of a natural person, it is exercised in a standard or non-standard form of employment,*** is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;

Amendment 82

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission	*Amendment*
(3) 'public service media provider' means a media service provider which is entrusted with a public service ***mission*** under national law or receives national public funding for the fulfilment of such a ***mission***;	(3) 'public service media provider' means a media service provider which is entrusted with a public service ***remit*** under national law or receives national public funding for the fulfilment of such a ***remit***;

Amendment 83

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission	*Amendment*
(7) '***editor***' means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that takes or supervises editorial decisions within a media service provider;	(7) '***editor-in-chief***' means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that takes or supervises editorial decisions within a media service provider;

Amendment 84

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'editorial decision' means a decision taken on a regular basis for the purpose of exercising editorial responsibility ***and linked to the day-to-day operation*** of a media service provider;	(8) 'editorial decision' means a decision taken on a regular basis for the purpose of exercising editorial responsibility of a media service provider;

Amendment 85

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission	*Amendment*
(9) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a	(9) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or ***the content of*** press publications and over their organisation, for the purposes of the

media service, regardless of the existence of liability under national law for the service provided;	provision of a media service, regardless of the existence of liability under national law for the service provided;

Amendment 86

Proposal for a regulation
Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) 'online platform' means online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065;

Amendment 87

Proposal for a regulation
Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission	*Amendment*
	(9b) 'online search engine' means online search engine as defined in Article 3, point (j) of Regulation (EU) 2022/2065;

Amendment 88

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission	*Amendment*
(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***25(4)*** of Regulation (EU) ***2022/XXX [Digital Services Act]***;	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***33(4)*** of Regulation (EU) ***2022/2065***;

Amendment 89

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission	*Amendment*
	(10a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;

Amendment 90

Proposal for a regulation
Article 2 – paragraph 1 – point 12

Text proposed by the Commission	*Amendment*
(12) 'national regulatory authority or body' means ***the*** authority or body designated by Member States pursuant to	(12) 'national regulatory authority or body' means ***an*** authority or body designated by Member States pursuant to

Article 30 of Directive 2010/13/EU;	Article 30 of Directive 2010/13/EU;

Amendment 91

Proposal for a regulation
Article 2 – paragraph 1 – point 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) 'user interface' means a service that provides an overview of media services provided by individual or multiple media service providers and that enables a user to select media services or applications that essentially serve to provide access to media services and to control or manage access to, and the use of, media services;

Amendment 92

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media ***service provider***;	(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one ***party in the*** media ***value chain***;

Amendment 93

Proposal for a regulation
Article 2 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'media pluralism' means a variety of voices, analyses and opinions in public discourse, including minority positions and opinions, disseminated in an unimpeded way by media service providers which are in the hands of many different owners, each independent from one another, across different media channels and media genres and the recognition of the co-existence of private commercial media service providers and public service media providers;

Amendment 94

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation ***or*** prices or the ***related*** planning***,*** ***production*** or distribution of ***content***;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services ***and of users of online platforms*** for the purposes of decisions regarding advertising allocation***,*** prices***,*** ***purchases and sales,*** or the planning or distribution of ***media services***;

Amendment 95

Proposal for a regulation
Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) 'proprietary audience measurement' means audience measurement which does not follow industry standards agreed by self-regulatory mechanisms covering media service providers;

Amendment 96

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government ***of a territorial entity of more than 1 million inhabitants***;	(15) 'State advertising' means the placement***, promotion***, publication or dissemination, in any media service***, online platform or online search engine***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any ***Union,*** national or regional public authority, such as ***Union institutions, bodies, offices or agencies,*** national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government;

Amendment 97

Proposal for a regulation
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission	*Amendment*
	(15a) 'emergency message by a public authority' means the placement, publication or dissemination, in any media service, of a message of informative nature considered necessary by a public authority in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that could cause harm to individuals;

Amendment 98

Proposal for a regulation
Article 2 – paragraph 1 – point 16

Text proposed by the Commission	*Amendment*
(16) '***spyware***' means ***any product with*** digital ***elements specially designed to exploit vulnerabilities in other products with digital elements*** that enables the ***covert surveillance of natural or legal persons by*** monitoring, extracting, collecting or analysing data ***from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages,***	(16) '***surveillance technology***' means ***a*** digital ***or mechanical instrument or product or another instrument or product*** that enables the ***acquisition of information by intercepting,*** monitoring, extracting, collecting or analysing data without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent***, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679,*** in that regard;

photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;

Amendment 99

Proposal for a regulation
Article 2 – paragraph 1 – point 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) 'spyware' means any surveillance technology with a high level of intrusiveness resulting, in particular, from the extensive access it can offer to devices and their functionalities, typically designed to exploit vulnerabilities in products with digital elements that enables the extensive covert surveillance of natural or legal persons, including retroactively, by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, including in an indiscriminate manner, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679, in that regard;

Amendment 100

Proposal for a regulation
Article 2 – paragraph 1 – point 17 – point a

Text proposed by the Commission	*Amendment*
(a) terrorism,	(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council***,

Amendment 101

Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) 'media literacy' means skills, knowledge and understanding that allow citizens to use media effectively and safely which are not limited to learning about tools and technologies but aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact.

Amendment 102
Proposal for a regulation
Chapter II – title

Text proposed by the Commission	*Amendment*
Rights ***and duties*** of media service	Rights ***of recipients of media services,***

providers and ***recipients***	***rights*** of media service providers and ***safeguards for the independent functioning of public service media providers***

Amendment 103

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services ***in the Union shall have the right to receive*** a plurality of ***news and current affairs content,*** produced ***with respect for editorial freedom of*** media service providers, ***to the benefit of the public*** discourse.	***Member States shall ensure, in accordance with Article 11 of the Charter of Fundamental Rights of the European Union (the 'Charter'), that*** recipients of media services ***have access to*** a plurality of ***media services*** produced ***by editorially independent*** media service providers, ***without any State interference, in order to ensure free and democratic*** discourse. ***Member States shall establish the necessary framework conditions to guarantee those rights and to safeguard, preserve and promote media pluralism.***

Amendment 104

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers shall have the right to exercise their economic activities in the internal market without	1. Media service providers shall have the right to exercise their economic activities in the internal market without

restrictions other than those allowed ***under*** Union law.	restrictions other than those allowed ***pursuant to*** Union law.

Amendment 105

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, shall not:	2. ***The Union,*** Member States ***and private entities*** shall respect ***the*** effective editorial freedom ***and independence*** of media service providers. Member States, including their national regulatory authorities and bodies, ***Union institutions, bodies, offices and agencies and private entities*** shall not:

Amendment 106

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and decisions by media service providers;	(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and ***editorial*** decisions by media service providers;

Amendment 107

Proposal for a regulation
Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) oblige media services providers or their employees to disclose any information related to editorial processing, including on their sources, or to disseminate such information;

Amendment 108

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) detain, sanction, ***intercept,*** subject to ***surveillance or*** search and seizure, or inspect media service providers or, if applicable, their family members, ***their employees*** or their ***family members***, or their corporate and private premises, ***on the ground that they refuse to disclose information on*** their sources***, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law***;	(b) detain, sanction, subject to search and seizure, or inspect media service providers***, their employees*** or, if applicable, their family members, or ***any other person belonging to*** their ***professional network of relationships, including occasional contacts***, or their corporate and private premises, ***where such actions might lead to a violation of*** their ***right to exercise their professional activity and, in particular, where such actions might result in access to journalistic*** sources;

Amendment 109

Proposal for a regulation
Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) access encrypted content data on any device or in any machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other person belonging to their professional or private network of relationships, including occasional contacts;

Amendment 110

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) deploy ***spyware*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members***, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and*** other ***Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought***.	(c) deploy ***surveillance measures or use surveillance technology, or instruct private entities to use such measures or such technology,*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members ***or, if applicable, any*** other ***person belonging to their professional network, including occasional contacts***.

Amendment 111

Proposal for a regulation
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) deploy spyware or any similar intrusive technology, or instruct private entities to use spyware or such technology, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.

Amendment 112

Proposal for a regulation
Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) commission a third party to carry out any of the actions referred to in points (b) to (ca).

Amendment 113

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. By way of derogation from paragraph 2, point (b), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that other legal measures would be inadequate and insufficient to obtain the information sought and provided that the action:
	(a) is unrelated to the professional activity of a media service provider and its employees;
	(b) does not result in access to journalistic sources;
	(c) is provided for under national law;
	(d) is justified on a case-by-case basis for the purpose of preventing, investigating or prosecuting a serious crime;
	(e) complies with Article 52(1) of the Charter and other relevant Union law;
	(f) is proportionate with respect to the legitimate aim pursued; and
	(g) is ordered, ex ante, by an independent and impartial judicial authority with effective, known and accessible remedial measures ensured in accordance with Article 47 of the Charter and in compliance with other relevant Union law.
	When carrying out actions as referred to in paragraph 2, point (b), the Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities shall not retrieve data related to

the professional activity of media service providers and their employees, in particular data which offer access to journalistic sources.

Amendment 114

Proposal for a regulation
Article 4 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. By way of derogation from paragraph 2, points (ba) and (c), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (b), would be inadequate and insufficient to obtain the information sought and provided that the action:
	(a) complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g);
	(b) concerns only the investigation or prosecution of a serious crime that is punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years;
	(c) is carried out as a last resort; and (d) is subject to periodic review by an independent and impartial judicial authority.

Amendment 115

Proposal for a regulation
Article 4 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. By way of derogation from paragraph 2, point (ca), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (ba) or (c), would be inadequate and insufficient to obtain the information sought and provided that the action complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g), and paragraph 2b, points (b), (c) and (d).

Amendment 116

Proposal for a regulation
Article 4 – paragraph 2 d (new)

Text proposed by the Commission	*Amendment*
	2d. The carrying out of actions as referred to in paragraph 2, points (ba), (c) and (ca), shall be subject to ex-post scrutiny by means of judicial review or by means of another independent oversight mechanism. Member States shall inform persons targeted by actions as referred to in paragraph 2, points (b) to (ca), and

persons whose data or communications were accessed as a result of such actions of the fact that their data or communications were accessed and of the duration and scope of the processing of those data, and the manner in which those data were processed. Member States shall ensure access to redress through an independent body for persons directly or indirectly affected by the carrying out of such actions. Member States shall publish the number of requests approved and rejected for the carrying out of such actions. The safeguards provided for in this paragraph shall extend to natural persons in non-standard forms of employment, such as freelancers exercising activities in the same field as media service providers and their employees.

Amendment 117

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***an*** independent authority or body to handle complaints lodged by media service providers or***, if applicable,*** their family members, ***their*** employees or their family members, regarding breaches of paragraph 2, points ***(b) and (c)***. Media service providers shall have the right to request that authority or body to issue,	3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***a structurally and functionally*** independent authority or body***, such as an ombudsperson,*** to handle complaints lodged by media service providers or their family members, ***the*** employees ***of media service providers*** or their family members***, or any other person professionally or privately associated with them***, regarding

within three months of the request, an opinion regarding compliance with paragraph 2, points ***(b) and (c)***.

breaches of paragraph 2, points ***(aa), (b), (ba), (c), (ca) and (cb)***. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points ***(aa), (b), (ba), (c), (ca) and (cb)***.

Amendment 118

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers ***shall*** provide in an impartial manner a plurality of information and opinions to their audiences***, in accordance with their public service mission***.	1. ***Member states shall ensure, by means of national law and their actions, that*** public service media providers ***have full autonomy and editorial independence from governmental, political, economic or private vested interests in order to*** provide***, in the exercise of their public service remit,*** in an impartial ***and independent*** manner***,*** a plurality of information and opinions to their audiences.

Amendment 119

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management and the members of the governing board of public	***Member States shall ensure, by means of national law and their actions, that the***

service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance ***by*** national law.	***principles of independence, accountability, effectiveness, transparency and openness are respected when the management structures of public service media are appointed. In particular,*** the head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance ***in*** national law.

Amendment 120

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The duration of their term of office shall be established ***by*** national law, ***and*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***exceptionally*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance ***by*** national law or for specific reasons of illegal conduct or serious misconduct as defined in advance ***by*** national law.	The duration of their term of office shall be established ***in*** national law, ***shall correspond to their tasks and shall*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***in exceptional circumstances*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance ***in*** national law or for specific reasons of illegal conduct or serious misconduct as defined in advance ***in*** national law.

Amendment 121

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.	Dismissal decisions shall be duly justified ***on the basis of criteria laid down in advance in national law***, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 122

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers have adequate ***and stable*** financial resources for the fulfilment of their public service ***mission***. Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers have adequate***, sustainable and predictable*** financial resources ***on a multiannual basis*** for the fulfilment of their public service ***remit and to meet the objectives thereof***. Those resources ***and the process by which they are allocated shall be based on transparent criteria laid down in advance and*** shall be such that editorial independence is safeguarded ***while allowing for the development of media services for new audience interests or new content and media forms and for technical development***.

Amendment 123

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall appoint an independent authority or establish independent procedures for determining the financial needs appropriate for public service media providers in accordance with paragraph 3. Member States shall ensure that independent judicial review is guaranteed.
	The procedure for appointing an independent authority as referred to in the first subparagraph or the established procedures referred to therein shall be predictable, transparent, independent, impartial and non-discriminatory and be based on objective and proportionate criteria laid down in advance by national law.

Amendment 124

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall designate one or more independent authorities or bodies ***in order*** to monitor ***compliance with***	4. Member States shall ***put in place mechanisms or*** designate one or more independent authorities or bodies to

paragraphs 1 to 3.	monitor ***the application of*** paragraphs 1 to 3. ***Such mechanisms, authorities or bodies shall be free from government influence. In the event of doubt or following findings related to non-compliance or partial compliance with this Article, an opinion shall be issued by the independent authorities or bodies which shall inform the Board; the findings shall be made available to the public.***

Amendment 125

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Media service providers ***providing news and current affairs content*** shall make ***easily and*** directly accessible to the recipients of their services ***the following information***:	1. Media service providers***, in compliance with Union and national law,*** shall make ***the following information*** directly ***and permanently*** accessible ***in an easy manner*** to the recipients of their services:

Amendment 126

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) their legal name and contact details;	(a) their legal name***(s)*** and contact ***and registration*** details;

Amendment 127

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the name(s) of their beneficial owners ***within the meaning of*** Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council***.***	(c) the name(s) of their beneficial owners ***as defined in*** Article 3, point 6***,*** of Directive (EU) 2015/849 of the European Parliament and of the Council***;***

Amendment 128

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) whether and to what extent their direct, indirect or beneficial ownership is held by the government, a State institution, a State-owned enterprise or another public body;

Amendment 129

Proposal for a regulation
Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) the name and professional contact

details of the natural person who bears editorial responsibility in accordance with the law of the relevant Member State, indicating, where the name and professional contact details of more than one person are given, the part of the media service for which each person is responsible;

Amendment 130

Proposal for a regulation
Article 6 – paragraph 1 – point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) details concerning the ownership structure and how they are related to their parent and sister companies and their subsidiaries;

Amendment 131

Proposal for a regulation
Article 6 – paragraph 1 – point c d (new)

Text proposed by the Commission	*Amendment*
	(cd) State advertising and State financial support allocated to them.

Amendment 132

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Media service providers shall keep the information made accessible pursuant to paragraph 1 up to date.

Amendment 133

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Media service providers shall submit the information listed in paragraph 1 to the national media ownership databases referred to in paragraph 2b. Where there is a change in the information listed in paragraph 1, media service providers shall submit that updated information to the national media ownership databases within 30 days of the change.

Amendment 134

Proposal for a regulation
Article 6 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. In duly justified cases and upon request, media service providers, in

	compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board or, where applicable, to any party with a legitimate interest the business and financial interests or activities of their direct, indirect and beneficial owners in other businesses, including their links to politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849 of the European Parliament and of the Council, and to persons known to be close associates, as defined in Article 3, point (11), of that Directive.

Amendment 135

Proposal for a regulation
Article 6 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. The information provided under paragraphs 1 and 2a shall respect the fundamental rights concerned, such as the respect for the private and family life of beneficial owners. That information shall be necessary and proportionate and shall aim to pursue an objective of general interest.

Amendment 136

Proposal for a regulation
Article 6 – paragraph 1 e (new)

Text proposed by the Commission	*Amendment*
	1e. National regulatory authorities or bodies shall be entrusted to establish national media ownership databases to monitor compliance with the obligation set out in paragraph 1. Those databases shall be publicly available and shall comply with relevant Union law.
	On a request from the national regulatory authorities or bodies, media service providers shall provide them with additional information for the purpose of assessing the accuracy of the information provided under paragraphs 1 and 2a.

Amendment 137

Proposal for a regulation
Article 6 – paragraph 1 f (new)

Text proposed by the Commission	*Amendment*
	1f. National regulatory authorities or bodies shall submit data on the information provided under paragraph 1 on a quarterly basis to the European Database of Media Ownership referred to in Article 12, first paragraph, point (fa).

Amendment 138

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional laws consistent with the Charter, media service providers ***providing news and current affairs content*** shall take measures that they deem appropriate with a view to guaranteeing the independence of ***individual*** editorial decisions. In particular, such measures shall aim to:	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers shall take measures that they deem appropriate with a view to guaranteeing the independence of editorial decisions. In particular, such measures shall aim to:

Amendment 139

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) guarantee that editors are free to take ***individual*** editorial decisions in the exercise of their professional activity; and	(a) guarantee that editors ***and editors-in-chief*** are free to take editorial decisions in the exercise of their professional activity ***within the editorial line of the media service provider***; and

Amendment 140

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) ensure disclosure of any actual or potential conflict of interest ***by any party***	(b) ensure disclosure of any actual or potential conflict of interest***, and of any***

having a stake in media service providers ***that may affect the provision of news and current affairs content***.	***attempts of interference in the editorial decisions of*** media service providers.

Amendment 141

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Media service providers which receive public funds from third countries for the purposes of advertising or purchases shall annually submit a report to the national regulatory authority or body. Such reports shall include at least the following details:
	(a) the names of the entities granting public funds;
	(b) the total annual amount of the public funds granted.
	The national regulatory authority or body shall make information reported pursuant to the first subparagraph publicly available.

Amendment 142

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.	***deleted***

Amendment 143

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article 6a
	Restrictions on media ownership
	1. Natural persons entrusted with the following prominent public functions shall not be beneficial owners, as defined in Article 2(1), point (22), of Regulation (EU) XXXX/XXX [on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, COD 2021/0239], of any press publication or audiovisual media service within the duration of their term of office:
	(a) in a Member State:
	(i) heads of State, heads of government or ministers;
	(b) at Union level:
	(i) President of the European Council, President of the Commission or members of the Commission;

	(c) in a third country:
	(i) functions that are equivalent to those set out in point (a)(i).
	2. Where a natural person is entrusted with a prominent public function as set out in paragraph 1, they shall cease operating the media service provider concerned or terminate the business relationship, where it allows for the exercise of influence over the media service provider, with the media service provider concerned without undue delay but, in any event, no later than 60 days after becoming a politically exposed person as defined in Article 3, point (9), of Directive (EU) 2015/849.

Amendment 144

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member states shall ensure that the national regulatory authorities or bodies are legally distinct from the government and functionally independent from their respective governments and from any other public or private body.

Amendment 145

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources ***and expertise*** to carry out their tasks under this Regulation. ***Member States shall proportionally increase the financial, human and technical resources allocated to national regulatory authorities or bodies in order to take into account the additional tasks conferred upon them under this Regulation.***

Amendment 146

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where needed for carrying out their tasks under this Regulation, ***the national regulatory authorities or bodies shall have appropriate powers of investigation,*** with regard to the ***conduct of*** natural or legal persons to which Chapter III applies.	***Member States shall ensure that the national regulatory authorities or bodies are given access to, or are provided with, all information and data necessary*** for carrying out their tasks under this Regulation, ***in particular*** with regard to the natural or legal persons to which Chapter III applies.

Amendment 147

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those powers shall include in particular the power to request ***such*** persons to ***provide***, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks ***under*** Chapter III***; the*** request ***can also be addressed to*** any other person that, for purposes related to ***their*** trade, business or profession, ***may*** reasonably be in possession of ***the*** information needed.	***On a*** request ***from the national regulatory authorities or bodies, natural or legal*** persons to ***which Chapter III applies shall***, within a reasonable time period, ***provide them with*** information that is proportionate ***to*** and necessary for carrying out the tasks ***set out in*** Chapter III***. On a*** request ***from the national regulatory authorities or bodies,*** any other ***natural or legal*** person that, for purposes related to ***its*** trade, business or profession, ***might*** reasonably be in possession of information needed ***for carrying out the tasks set out in Chapter III shall provide them with that information***.

Amendment 148

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. National regulatory authorities or bodies shall hold regular consultations with the representatives of the media sector. National regulatory authorities or bodies shall publish annually and make publicly available reports which reflect the results of such consultations .

Amendment 149

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4b. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining dedicated online media ownership databases containing the information listed in Article 6(1), including at regional or local level. The public shall have easy, swift and effective access, free of charge, to such databases. National regulatory authorities or bodies shall produce regular reports on the ownership of media services under the jurisdiction of the Member State concerned.

Amendment 150

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The European Board for Media Services ('the Board') is established.	1. The European Board for Media Services ('the Board') is ***hereby*** established. ***The Board shall be a body of the Union and shall have legal personality.***

Amendment 151

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The Board shall enjoy complete independence in the exercise of its functions.

Amendment 152

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Board shall have a secretariat and shall be advised by the Expert Group established by Article 11a.

Amendment 153

Proposal for a regulation
Article 8 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The Board and the secretariat shall be provided with the human and financial resources necessary for the performance of their tasks.

Amendment 154

Proposal for a regulation
Article 8 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. The budget of the Board and the secretariat shall be shown in a separate budgetary line within the relevant heading of section III of the budget of the Union.

Amendment 155

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, ***person or body***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, ***national agency or body, person or Union*** institution, ***body, office or agency***. This shall not affect the competences of the Commission***,*** or the national regulatory authorities or bodies in conformity with this Regulation. ***This shall also not affect the possibility for the other national regulatory authorities or bodies or representatives of self-regulatory or co-***

	regulatory bodies to participate, as appropriate, in the meetings of the Board.

Amendment 156

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall ***elect*** a Chair from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair. The Board shall ***have a Steering Group. The Steering Group shall consist of members elected from among the members of the Board. The Steering Group shall consist of*** a Chair***, a Vice-Chair, the outgoing Chair and two other members. The Chair and the other members of the Steering Group shall be elected*** from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.

Amendment 157

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission shall designate a representative to the Board. The representative of the Commission ***shall*** participate in ***all*** activities and meetings of	5. The Commission shall designate a representative to the Board. The representative of the Commission ***may*** participate in activities and meetings of

the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board***. The Board shall consult the Commission in preparation of*** its work programme and main deliverables.	the Board, without voting rights. The Chair of the Board shall keep the Commission ***and the European Parliament*** informed about the ongoing and planned activities of the Board ***and, in particular, on*** its work programme and main deliverables.

Amendment 158

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board***, in agreement with the Commission,*** may invite experts and observers to attend its meetings.	6. The Board may invite experts and***, with the agreement of the Commission,*** observers to attend its meetings ***or to participate, on an ad hoc basis, in its work***.

Amendment 159

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***, in agreement with*** the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***. Prior to the adoption of its rules of procedure, the Board shall give*** the Commission ***an opportunity to provide comments***. ***The Board shall lay down, in its rules of procedure, the practical arrangements for***

	the prevention and management of conflict of interests and shall inform the European Parliament of the rules of procedures it adopts or any substantial changes it makes to them.

Amendment 160

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***have a*** secretariat***, which*** shall ***be provided by the Commission***.	1. The Board shall ***be assisted by a separate and independent*** secretariat***. The secretariat*** shall ***take instructions only from the Board***.

Amendment 161

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board in carrying out its tasks.	3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board ***substantively*** in carrying out its tasks.

Amendment 162

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission	*Amendment*
	Article 11a
	Expert Group to the Board
	1. An Expert Group shall be established. The Expert Group shall consist of representatives from the media sector beyond the audiovisual media sector. The representatives of the Expert Groups shall be appointed in a transparent, objective and non-discriminatory manner.
	2. The Expert Group shall be composed of one or more representatives from the media sectors of each Member State, from European associations or from European organisations with expertise on media beyond the audiovisual media sector or one or more natural persons with expertise on media beyond the audiovisual media sector. Details on the full composition of the Expert Group shall be laid down in the Board's rules of procedure.
	3. The Expert Group shall provide independent expertise, assistance and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism.
	4. The Expert Group may draft a recommendation, on its own initiative or on a request by the Board, Commission or the European Parliament, regarding the Board's work programme and the effective and consistent application of Chapter 3 of this Regulation. The Expert Group shall make such recommendations publicly available.

	5. Where the Board deals with a matter beyond the audiovisual media sector or relating to the press, it shall consult the Expert Group.

Amendment 163

Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:	The Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:

Amendment 164

Proposal for a regulation
Article 12 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) support the Commission, through ***technical*** expertise, in ensuring the correct application of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;	(a) support the Commission, through ***its*** expertise, in ensuring the correct application of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;

Amendment 165

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;	(c) advise the Commission, ***on its own initiative or*** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter***, by which the Board is to respond to the Commission's request***;

Amendment 166

Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) ***when requested by*** the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) ***on its own initiative or upon request of*** the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;

Amendment 167

Proposal for a regulation
Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission	*Amendment*
(e) ***in agreement with the Commission,*** draw up opinions with respect to:	(e) draw up opinions with respect to:

Amendment 168

Proposal for a regulation
Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission	*Amendment*
(f) upon request of the Commission, draw up opinions with respect to:	(f) ***on its own initiative or*** upon request of the Commission, draw up opinions with respect to:

Amendment 169

Proposal for a regulation
Article 12 – paragraph 1 – point f – point i

Text proposed by the Commission	*Amendment*
(i) national measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;	(i) national measures which are likely to affect the functioning of the internal market for media services ***or which have an impact on media pluralism or the editorial independence of media service***

providers, in accordance with Article 20(4) of this Regulation;

Amendment 170

Proposal for a regulation
Article 12 – paragraph 1 – point f – point i a (new)

Text proposed by the Commission	*Amendment*
	(ia) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;

Amendment 171

Proposal for a regulation
Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission	*Amendment*
(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations which are likely to affect the functioning of the internal market for media services ***or which have an impact on media pluralism or the editorial independence of media service providers***, in accordance with Article 22(1) of this Regulation;

Amendment 172

Proposal for a regulation
Article 12 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) establish and maintain the European Database of Media Ownership, which collects information provided by national regulatory authorities and bodies under Article 6;

Amendment 173

Proposal for a regulation
Article 12 – paragraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) draw up opinions on draft national opinions or decisions assessing ***the impact on media pluralism and editorial independence of*** a notifiable media market concentration ***where such a concentration may affect the functioning of the internal market***, in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing a notifiable media market concentration, in accordance with Article 21(5) of this Regulation;

Amendment 174

Proposal for a regulation
Article 12 – paragraph 1 – point h – point ii

Text proposed by the Commission	*Amendment*
(ii) factors to be taken into account	(ii) factors to be taken into account

when applying the criteria for assessing the impact of media market concentrations**,** in accordance with Article 21(3) of this Regulation;	when applying the criteria for assessing the impact of media market concentrations ***on media pluralism and editorial independence*** in accordance with Article 21(3) of this Regulation;

Amendment 175

Proposal for a regulation
Article 12 – paragraph 1 – point i

Text proposed by the Commission	*Amendment*
(i) upon request of at least one of the concerned authorities, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;	(i) upon request of at least one of the concerned authorities ***or bodies***, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;

Amendment 176

Proposal for a regulation
Article 12 – paragraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) foster cooperation on ***technical*** standards related to digital signals and the design of devices or user interfaces, in accordance with Article 15(4) of this Regulation;	(j) foster cooperation on ***harmonised European*** standards related to digital signals and the design of devices or user interfaces, in accordance with Article 15(4) of this Regulation;

Amendment 177

Proposal for a regulation
Article 12 – paragraph 1 – point k

Text proposed by the Commission	*Amendment*
(k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target ***audiences*** in the Union***, where their activities prejudice or present a serious and grave risk of prejudice to public security and defence***, in accordance with Article 16(1) of this Regulation;	(k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target ***recipients*** in the Union, in accordance with Article 16(1) of this Regulation;

Amendment 178

Proposal for a regulation
Article 12 – paragraph 1 – point l

Text proposed by the Commission	*Amendment*
(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, and report on its results to the Commission, in accordance with Article 18 of this Regulation;	(l) organise***, with the involvement of the Expert Group,*** a structured dialogue between providers of very large online platforms, ***providers of very large online search engines and*** representatives of media service providers and of civil society ***and other relevant stakeholders***, and report on its results to the Commission ***and to the European Parliament***, in accordance with Article 18 of this Regulation;

Amendment 179

Proposal for a regulation
Article 12 – paragraph 1 – point m a (new)

Text proposed by the Commission	*Amendment*
	(ma) develop, in consultation with media service providers and other relevant stakeholders, guidelines and recommendations on the criteria and methodology for the distribution of public funds for State advertising and purchases in accordance with Article 24;

Amendment 180

Proposal for a regulation
Article 12 – paragraph 1 – point m b (new)

Text proposed by the Commission	*Amendment*
	(mb) support the Commission in carrying out the monitoring exercised referred to in Article 25;

Amendment 181

Proposal for a regulation
Article 12 – paragraph 1 – point m c (new)

Text proposed by the Commission	*Amendment*
	(mc) foster the development and use of effective measures and tools to strengthen media literacy, including the development of best practices for national authorities and bodies, media service providers, online platforms and online search engines;

Amendment 182

Proposal for a regulation
Article 12 – paragraph 1 – point m d (new)

Text proposed by the Commission	*Amendment*
	(md) prepare a detailed annual report and follow-up of its activities and tasks set out in this paragraph and present it to the European Parliament.

Amendment 183

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	In so far as necessary to achieve the objectives set out in this Regulation and to carry out its tasks, the Board may, without prejudice to the competences of the Member States and the Union

	institutions, in coordination with the Commission, cooperate with competent Union bodies, offices, agencies and advisory bodies, competent authorities in third countries and international organisations. To that end, the Board may, subject to prior approval by the Commission, establish working arrangements.

Amendment 184

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A national regulatory authority or body may request ('requesting authority') cooperation ***or*** mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the ***purposes of exchange of information or taking measures relevant for the consistent and*** effective application of this Regulation or the national measures implementing Directive 2010/13/EU.	1. A national regulatory authority or body may request ('requesting authority') cooperation***, including the exchange of information and*** mutual assistance***,*** at any time from one or more national regulatory authorities or bodies ('requested authorities') for the effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

Amendment 185

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a national regulatory authority or body considers that ***there is a serious and grave risk of prejudice to the functioning of the internal market for*** media ***services or*** a serious and grave risk of prejudice to public security and defence, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.	2. Where a national regulatory authority or body considers that media ***content constitutes a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 or presents*** a serious and grave risk of prejudice to public ***security and to the safeguarding of national*** security and defence, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.

Amendment 186

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Requests for cooperation ***or mutual assistance, including accelerated cooperation or*** mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation***, such as the exchange of information and*** mutual assistance, shall contain all the necessary information ***related to the request***, including the purpose of and reasons for it.

Amendment 187

Proposal for a regulation
Article 13 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the request was not duly justified.

Amendment 188

Proposal for a regulation
Article 13 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
The requested authority shall provide reasons for any refusal to address a request.	The requested authority shall provide reasons for any refusal to address a request. ***Where the requested authority refuses to address a request under the first subparagraph, point (a), it shall, where possible, indicate the authority that is competent for the subject matter of the request or for the measures it was requested to take.***

Amendment 189

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The requested authority shall inform the requesting authority of the results achieved or of the progress of the measures taken in response to the request.	5. The requested authority shall inform the requesting authority ***without undue delay*** of the results achieved or of the progress of the measures taken in response to the request.

Amendment 190

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The requested authority shall do its utmost to address and reply to the request without undue delay. ***The requested authority shall provide*** intermediary results ***within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request***. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.	6. The requested authority shall do its utmost to address and reply to the request without undue delay. ***Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, the deadlines to be respected and*** intermediary results***, shall be set out in the Board's rules of procedure***. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.

Amendment 191

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does	7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does

not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. ***Within 14 calendar days from the*** receipt of ***that*** referral, the Board shall issue, in ***agreement*** with the Commission, an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. ***Following*** receipt of ***such a*** referral ***and within a time period to be specified in the Board's rules of procedure***, the Board shall issue, in ***consultation*** with the Commission ***where the Board deems it relevant***, an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

Amendment 192

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The requested national authority or body shall, without undue delay and within ***30 calendar days***, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1.	2. The requested national authority or body shall, without undue delay and within***, a maximum time period to be specified in the Board's rules of procedure***, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1 ***or justify the reasons for which actions were not taken***.

Amendment 193

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken ***or planned or a refusal to take actions*** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment 194

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion, in ***agreement*** with the Commission, without undue delay.	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority ***or body*** has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion, in ***consultation*** with the Commission ***where it deems it relevant***, without undue delay.

Amendment 195

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The requested national authority or body shall, without undue delay and within ***30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4***, inform the Board, ***the Commission and*** the requesting authority or body of the actions taken or planned in relation to the opinion.	5. ***Following receipt of the opinion referred to in paragraph 4,*** the requested national authority or body shall, without undue delay and within ***a maximum time period to be specified in the Board's rules of procedure***, inform the Board, the requesting authority or body ***and, where necessary, the Commission*** of the actions taken or planned in relation to the opinion.

Amendment 196

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in ***close*** cooperation with the Commission***,*** on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in cooperation with the Commission on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 197

Proposal for a regulation
Article 15 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU ***and Article 6 of this Regulation***.

Amendment 198

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. ***The Board shall assist the Commission in this regard, where requested.***	3. The Commission***, assisted by the Board,*** may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 199

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***facilitate*** the development of ***technical*** standards related to digital signals or design of devices or user interfaces ***controlling or managing access to and use of audiovisual media services***.	4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***promote*** the development of ***harmonised European*** standards related to digital signals or design of devices***, including their remote controls*** or user interfaces.

Amendment 200

Proposal for a regulation
Article 16 – title

Text proposed by the Commission	*Amendment*
Coordination of measures concerning media ***service providers established*** outside the Union	Coordination of measures concerning media ***services which come from*** outside the Union

Amendment 201

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by	1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by

media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services ***prejudice or present a serious and grave risk of prejudice to public security and defence.***	media service providers established outside the Union that***, irrespective of their means of distribution or the means by which they can be accessed,*** target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services***:***

Amendment 202

Proposal for a regulation
Article 16 – paragraph 1 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) contain a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541;

Amendment 203

Proposal for a regulation
Article 16 – paragraph 1 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) manifestly, seriously and gravely prejudice, or present a serious and grave risk of prejudice to, public security, including the safeguarding of national security and defence.

Amendment 204

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board***, in agreement with the Commission,*** may issue opinions on appropriate national measures under paragraph 1**.** All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board may issue opinions on appropriate national measures under paragraph 1 ***in accordance with its rules of procedure.*** All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. ***Such authorities and bodies shall provide reasons for a refusal to take into account the opinions of the Board.***

Amendment 205

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure that, where relevant, national regulatory authorities or bodies which decide to take action against a media service provider established outside the Union, have a legal basis to take into account at least one of the following:
	(a) a decision taken against that provider by a national regulatory authority or body from another Member State;

(b) an opinion of the Board relating to that provider and taken on the grounds set out in this Article;

(c) any assessment of how the media service from that provider is received on the territory of the Union.

Amendment 206

Proposal for a regulation
Article 16 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The Board shall develop a set of guidelines concerning media service providers established outside the Union. Where the competent authorities or bodies of a Member State take action against such a provider, they shall do their utmost to take into account the guidelines developed by the Board.

Amendment 207

Proposal for a regulation
Article 16 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. Where a media service provider established outside the Union falls under the territorial jurisdiction of a Member State pursuant to Article 2(4) of Directive 2010/13/EU, in addition to any opinions

of the Board issued under paragraph 2 of this Article, a regulatory authority or body of another Member State may request the competent authorities or bodies of the Member State under whose territorial jurisdiction the media service provider falls to take appropriate action against that provider where it assesses that the provider has manifestly, seriously and gravely infringed Article 6(1), point (b), of Directive 2010/13/EU or has prejudiced or presented a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence.

Amendment 208

Proposal for a regulation
Article 17 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare ***that***:	1. Providers of very large online platforms ***shall ensure that decisions concerning content moderation and any other actions they undertake do not negatively impact media freedom and pluralism. They shall ensure that their content moderation and monitoring processes have adequate human resources to cover all languages and geographical regions of the Union. They*** shall provide a functionality allowing recipients of their services to declare:

Amendment 209

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***it is a*** media service ***provider*** within the meaning of Article 2(2);	(a) ***that they are*** media service ***providers*** within the meaning of Article 2(2) ***and fulfil the duty set out in Article 6(1)***;

Amendment 210

Proposal for a regulation
Article 17 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) ***it is*** editorially independent from Member States and third countries***;*** and	(b) ***that they are*** editorially independent from ***any Union institution, body, office or agency and from*** Member States***, political parties*** and third countries and ***that they are functionally independent from private entities whose corporate purpose is not related to the creation or dissemination of media services;***

Amendment 211

Proposal for a regulation
Article 17 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) ***it is*** subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States***, or adheres to*** a co-regulatory or self-regulatory mechanism governing editorial standards***, widely*** recognised and accepted in the relevant media sector in one or more Member States***.***	(c) ***that they are*** subject to regulatory requirements for the exercise of editorial responsibility ***and oversight by a competent national regulatory authority or body*** in one or more Member States ***or that they comply with*** a co-regulatory or self-regulatory mechanism governing editorial standards ***that is transparent, legally*** recognised and ***widely*** accepted in the relevant media sector in one or more Member States***;***

Amendment 212

Proposal for a regulation
Article 17 – paragraph 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) that they do not provide content generated by an artificial intelligence system without subjecting such content to human oversight and editorial control;

Amendment 213

Proposal for a regulation
Article 17 – paragraph 1 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) their name and the name of their managing director, their professional contact details, including an email address and telephone number, and their place of establishment;

Amendment 214

Proposal for a regulation
Article 17 – paragraph 1 – point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) information about the competent national regulatory authority or body or the representative of the co-regulatory or self-regulatory mechanism to which they are subject.

Amendment 215

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Providers of very large online platforms shall ensure that the functionality referred to in paragraph 1 allows for information declared thereunder, with the exception of the information set out in paragraph 1, point

(cb), to be publicly and easily accessible.

Amendment 216

Proposal for a regulation
Article 17 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Providers of very large online platforms shall acknowledge receipt of declarations submitted under paragraph 1. They shall state in the acknowledgement whether or not they accept the declaration. They shall immediately communicate the acknowledgement of receipt to the media service provider concerned, the competent national regulatory authority or body concerned or the representative of the co-regulatory or self-regulatory mechanism concerned. In the acknowledgement of receipt, providers of very large online platforms shall indicate a competent contact person or body through which the media service provider can communicate directly and quickly with the provider of the very large online platform. Where a provider of a very large online platform accepts a declaration submitted by a media service provider under paragraph 1, that media service provider shall be deemed to be a recognised media service provider.

Amendment 217

Proposal for a regulation
Article 17 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. On a request from a provider of a very large online platform which has not accepted a declaration submitted under paragraph 1, point (c), due to having a reasonable doubt as to the nature of that declaration, the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism shall confirm the nature of or invalidate that declaration. Where the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism confirms the nature of that declaration, the media service provider shall be deemed to be a recognised media service provider.

Amendment 218

Proposal for a regulation
Article 17 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. On a request from a media service provider that considers that the provider of a very large online platform has unjustly invalidated its declaration submitted under paragraph 1, the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism

concerned shall clarify the matter. Where the provider of a very large online platform decides not to accept the clarification provided by the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism, the media service provider may appeal against that decision to the competent national regulatory authority or body. The competent national regulatory authority or body shall rule on the matter without delay. The Board shall issue a recommendation. Where the competent national regulatory authority or body confirms the declaration, the media service provider shall be deemed to be a recognised media service provider.

Amendment 219

Proposal for a regulation
Article 17 – paragraph 1 e (new)

Text proposed by the Commission	*Amendment*
	1e. Where a provider of a very large online platform has frequently suspended or restricted, pursuant to paragraph 2, the provision of its online intermediation services in relation to a media service provided by a media service provider on the basis of a breach of its terms and conditions, that provider of the very large online platform may invalidate the declaration submitted by the media service provider under paragraph 1. The provider of the very large online platform shall inform the supervising or regulatory entity and the Board that it has

invalidated the declaration.

Amendment 220

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to ***content*** provided by a media service provider ***that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content*** is incompatible with its terms and conditions, without ***that content contributing*** to a systemic risk referred to in Article ***26 of the*** Regulation (EU) ***2022/XXX [Digital Services Act]***, ***it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to*** communicate to ***the*** media service provider ***concerned the statement of*** reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150***,*** prior to the suspension taking effect.	2. Where a provider of ***a*** very large online platform decides to suspend ***or restrict*** the provision of its online intermediation services in relation to ***a media service*** provided by a ***recognised*** media service provider ***because that media service*** is incompatible with its terms and conditions, ***it shall,*** without ***prejudice to the mitigating measures in relation*** to a systemic risk referred to in Article ***34 of*** Regulation (EU) ***2022/2065***, communicate to ***that recognised*** media service provider ***the*** reasons accompanying that decision***, specifying the specific clause in the terms and conditions with which the media service was incompatible***, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17(3) of Regulation (EU) 2022/2065.***
	The provider of the very large online platform shall give the recognised media service provider the opportunity to respond to the reasons accompanying its decision within 24 hours prior to the suspension ***or restriction*** taking effect.

Amendment 221

Proposal for a regulation
Article 17 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where, following the 24-hour period referred to in paragraph 2, the second subparagraph, and after due consideration of the response of the recognised media service provider, the provider of the very large online platform considers the media service concerned to be incompatible with its terms and conditions, it may refer the case to the relevant competent national regulatory authority or body or the body of the relevant self-regulatory or co-regulatory mechanism. The relevant competent national regulatory authority or body or the representative of the relevant self-regulatory or co-regulatory mechanism shall decide, without delay, whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions of the provider of the very large online platform, taking into account fundamental freedoms.

Amendment 222

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online	3. Providers of very large online

platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***by*** media service providers ***that submitted a declaration pursuant to paragraph 1 of this Article*** are processed and decided upon with priority and ***without undue delay***.	platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***or Article 20 of Regulation (EU) 2022/2065 by recognised*** media service providers are processed and decided upon with priority and***, in any event, no later than 24 hours after submission of the complaint***. ***The media service provider may be represented by a body in complaints procedures.***

Amendment 223

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where a media service provider ***that submitted a declaration pursuant to paragraph 1*** considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective ***dialogue*** with the media service provider***, upon its request***, in good faith with a view to finding an amicable solution ***for terminating*** unjustified restrictions or suspensions ***and avoiding them*** in the future. The media service provider may notify the outcome of such ***exchanges*** to the Board.	4. Where a ***recognised*** media service provider considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content ***or services*** provided by the media service provider without sufficient grounds ***and in a manner that undermines media freedom and media pluralism***, the provider of ***the*** very large online platform shall***, at the request of the media service provider,*** engage in a meaningful and effective ***consultation*** with the media service provider, in good faith with a view to finding an amicable solution ***within a reasonable timeframe that avoids*** unjustified restrictions or suspensions in the future. The media service provider may notify the outcome of such ***consultations*** to the Board ***and to the national digital services coordinator referred to in Regulation (EU) 2022/2065***.

Where no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation (EU) 2022/2065.

Amendment 224

Proposal for a regulation
Article 17 – paragraph 5 – point a

Text proposed by the Commission	*Amendment*
(a) the number of instances ***where they imposed any restriction or suspension on the grounds that the content provided by a media*** service ***provider that submitted a declaration in accordance with*** paragraph ***1 of this Article is incompatible with their terms and conditions; and***	(a) the number of instances ***in which they initiated the process to suspend or restrict the provision of their online intermediation*** service ***pursuant to*** paragraph ***2;***

Amendment 225

Proposal for a regulation
Article 17 – paragraph 5 – point b

Text proposed by the Commission	*Amendment*
(b) the grounds for imposing such restrictions***.***	(b) the grounds for imposing such ***suspensions or*** restrictions***, including the specific clause in their terms and conditions with which the media service provider was incompatible;***

Amendment 226

Proposal for a regulation
Article 17 – paragraph 5 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the number of instances in which they refused to accept declarations submitted by a media service provider under paragraph 1 and the grounds for refusing to accept them.

Amendment 227

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission	*Amendment*
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***may*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission***, in consultation with the Board, shall*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.

Amendment 228

Proposal for a regulation
Article 17 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. This Article shall be without prejudice to the right of media service providers to effective judicial protection.

Amendment 229

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation***, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.***	1. The Board***, with the involvement of the Expert Group,*** shall regularly organise a structured dialogue between providers of very large online platforms***, providers of very large online search engines***, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation ***in order to:***

Amendment 230

Proposal for a regulation
Article 18 – paragraph 1 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) foster access to diverse offers of independent media on very large online platforms and very large online search engines;

Amendment 231

Proposal for a regulation
Article 18 – paragraph 1 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) monitor compliance with self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference;

Amendment 232

Proposal for a regulation
Article 18 – paragraph 1 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) examine the potential and actual impact of the design and functioning of very large online platforms or very large online search engines, of the design and functioning of their respective recommendation systems and content moderation processes and of decisions by

	providers of very large online platforms and providers of very large online search engines on media freedom and media pluralism.

Amendment 233

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall ***present the*** report on the results of the dialogue to the Commission***, to the European Parliament and to the Council*** . ***Such results shall be made publicly available.***

Amendment 234

Proposal for a regulation
Article 19 – title

Text proposed by the Commission	*Amendment*
Right of customisation of audiovisual media offer	Right of customisation of ***the audio and*** audiovisual media offer

Amendment 235

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Users shall have a right to easily change the ***default settings of any device or*** user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing ***Article 7a*** of Directive 2010/13/EU.	1. Users shall have a right to easily change the ***configuration of audiovisual media services or of applications allowing users to access such services on a*** user interface ***or on devices, including remote controls,*** controlling or managing access to and use of ***audio or*** audiovisual media services in order to customise the ***audio or*** audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing ***Articles 7a and 7b*** of Directive 2010/13/EU.

Amendment 236

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***When placing the*** devices ***and*** user interfaces referred to in paragraph 1 ***on the market***, ***manufacturers and developers*** shall ensure that they include a functionality enabling users to freely and easily change the ***default*** settings controlling or managing access to and use of the audiovisual media services offered.	2. ***Any person who places on the market*** devices***, including remote controls, or*** user interfaces referred to in paragraph 1, shall ensure that they include a functionality enabling users to freely and easily change***, at any time,*** the settings ***and default layout, including the configuration of audiovisual media services or of applications allowing users to access such services,*** controlling or managing access to and use of the audiovisual media services offered. ***The provisions of Article 25 of Regulation (EU) 2022/2065 shall apply accordingly.***

Amendment 237

Proposal for a regulation
Article 19 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Any person operating devices as referred to in paragraph 2 or user interfaces shall ensure that the identity of the media service provider who has editorial responsibility for a media service is consistently and clearly visible and identifiable, provided that this information has been provided by the relevant media service provider.

Amendment 238

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***the operation*** of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***media pluralism and the editorial independence*** of media service providers ***regarding either the provision or the operation of their media services*** in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.

Amendment 239

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.	2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance. ***Such timeframes shall be of sufficient length to ensure that such measures and their consequences can be properly considered and that media service providers directly affected can provide feedback on them.***

Amendment 240

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body shall be independent of the parties involved and of	3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body***, which may be a court of law***. That body shall be independent of

any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.	the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise ***and funding*** to enable it to carry out its functions effectively ***and to respond to any appeals timely***. ***Such appellate bodies may take opinions issued by the Board on the matter into consideration.***

Amendment 241

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***may*** issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.	4. The Board, ***on its own initiative or*** upon request of the Commission ***or the European Parliament***, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services ***or to impact media pluralism or editorial independence***. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***shall*** issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.

Amendment 242

Proposal for a regulation
Article 20 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where a national authority or body adopts a measure that affects ***individually and*** directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.	5. Where a national authority or body adopts a measure that affects directly a media service provider and is likely to affect ***media pluralism and editorial independence or*** the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities ***or bodies*** concerned. ***On a request from a media service provider affected directly by a measure taken by a Member State, the Board shall issue an opinion on the measure concerned.***

Amendment 243

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Member States shall provide, in ***their*** national ***legal systems***, substantive and procedural rules which ensure an assessment of media market concentrations that could have ***a significant*** impact on media pluralism and editorial independence. These rules shall:	Member States shall provide, in national ***law***, substantive and procedural rules which ensure an assessment of media market concentrations that could have ***an*** impact on media pluralism and editorial independence. These rules shall:

Amendment 244

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) require the parties to a media market concentration that could have ***a significant*** impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;	(b) require the parties to a media market concentration that could have ***an*** impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;

Amendment 245

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) designate the national regulatory ***authority or body*** as responsible for the assessment of the impact of a notifiable concentration on media pluralism and editorial independence or ensure ***the*** involvement ***of the*** national regulatory ***authority or body in such*** assessment;	(c) designate the national regulatory ***authorities or bodies*** as responsible for the assessment of the impact of a notifiable ***media market*** concentration on media pluralism and editorial independence or ensure ***their substantial*** involvement ***in such assessment or require them to consult other*** national regulatory ***authorities or bodies of the Member State that could contribute to the*** assessment ***of a media market concentration***;

Amendment 246

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying ***media market concentrations that could have a significant impact on media pluralism and editorial independence and for*** assessing the impact of media market concentrations on media pluralism and editorial independence***.***	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying ***and*** assessing the impact of media market concentrations on media pluralism and editorial independence***;***

Amendment 247

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) specify in advance a reasonable period of time by which the national regulatory authority or body conducting the assessment is to complete the assessment, taking into account the period of time required for the involvement of the Board, the Commission, or both, in accordance with paragraphs 4 and 5;

Amendment 248

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d b (new)

Text proposed by the Commission	*Amendment*
	(db) specify the consequences of not completing the assessment by the end of the period referred to in point (da).

Amendment 249

Proposal for a regulation
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall***, in particular,*** be taken into account:

Amendment 250

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market,	(a) the impact of the concentration on media pluralism ***at Union, national and regional level***, including ***its geographical reach and*** its effects on the formation of

taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	public opinion and on the diversity of media players ***and content*** on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Amendment 251

Proposal for a regulation
Article 21 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) ***the*** safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of ***individual*** editorial decisions;	(b) safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing ***ethical and professional standards and*** the independence of editorial decisions;

Amendment 252

Proposal for a regulation
Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) the results of the risk assessment carried out as part of the Commission's annual rule of law report and the Media Pluralism Monitor to identify, analyse and assess risks to media freedom and media

pluralism in the Member States.

Amendment 253

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission, ***assisted by*** the Board, ***may*** issue guidelines ***on the factors*** to be taken into account ***when applying the criteria for*** assessing the impact of media market concentrations on media pluralism and editorial independence ***by the national regulatory authorities or bodies.***	3. The Commission, ***in consultation with*** the Board, ***shall*** issue guidelines to be taken into account ***by national regulatory authorities or bodies in*** assessing the impact of media market concentrations on media pluralism and editorial independence***.***

Amendment 254

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The national regulatory authority or body shall consult the Board ***in advance on*** any opinion or decision it aims to adopt ***assessing*** the impact on media pluralism and editorial independence of a notifiable ***media*** market concentration where such concentrations may affect the functioning of the internal market.	4. The national regulatory authority or body shall ***inform the Board before conducting the assessment referred to in the first subparagraph of paragraph 1 and shall*** consult the Board ***before issuing*** any opinion or ***taking any*** decision it aims to adopt ***concerning*** the impact on media pluralism and editorial independence of a notifiable market concentration ***or*** where such concentrations may affect the

functioning of the internal market.

Amendment 255

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the Board shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.	5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the Board shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority ***or body*** and the Commission.

Amendment 256

Proposal for a regulation
Article 21 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the	6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the

Treaties, the Commission may issue its own opinion on the matter.	Treaties, the Commission may issue its own opinion on the matter. ***The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission with the reasons for which it did not fully or partially follow it.***

Amendment 257

Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. National regulatory authorities or bodies may request entities involved in a media market concentration to make commitments regarding the safeguarding of media pluralism and editorial independence based on the elements set out in paragraph 2.

Amendment 258

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence,	1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***on its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism

where ***a*** media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations ***likely to affect the functioning of the internal market for media services*** to the attention of the Commission.	and editorial independence, where***, according to its own preliminary assessment or the Commission's preliminary assessment, that*** media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board ***shall*** may bring ***such*** media market concentrations to the attention of the Commission.

Amendment 259

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***may*** issue its own opinion on the matter.	2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***shall*** issue its own opinion on the matter. ***The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission with the reasons for which it did not fully or partially follow it.***

Amendment 260

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Opinions by the Board and***, where applicable,*** by the Commission shall be made publicly available.	3. Opinions by the Board and by the Commission shall be made publicly available.

Amendment 261

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22a
	Delegated acts
	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
	2. The power to adopt delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].
	3. The power to adopt delegated acts referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in

accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Amendment 262

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability. ***Audience measurement shall be conducted in accordance with self-regulatory mechanisms jointly agreed and widely accepted within the media industry.***

Amendment 263

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' ***business*** secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers***,*** as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' ***trade*** secrets ***as defined in Article 2, point (1), of Directive (EU) 2016/943***, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers***,*** and advertisers as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. ***Providers of proprietary audience measurement systems shall provide free of charge to each media service provider the audience measurements relating to its content and services. An independent body shall audit once a year the methodology used by proprietary audience measurement systems and the application of that methodology.*** This provision shall not affect the Union's data protection and privacy rules.

Amendment 264

Proposal for a regulation
Article 23 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Audience measurement data provided to media service providers shall be as granular as the information provided by industry self-regulatory mechanisms, including non-aggregated data.

Amendment 265

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by*** providers of audience measurement systems, together with media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	3. Providers of audience measurement systems, together with media service providers, their representative organisations***, online platforms*** and any other interested parties***, shall draw up codes of conduct, with the support of national regulatory authorities or bodies***, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. ***Such codes of conduct shall provide for the regular, transparent and independent monitoring and evaluation of the achievement of compliance with the principles referred to in paragraph 1. When drawing up codes of conduct, special consideration shall be given to small media in order to ensure that their audiences are properly measured.***

Amendment 266

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission, assisted by the Board, ***may*** issue guidelines on the practical application of paragraphs 1, 2 and 3 ***of this Article***.	4. The Commission, assisted by the Board, ***shall*** issue guidelines on the practical application of paragraphs 1, 2 and 3***, taking into account codes of conduct as referred to in paragraph 3***.

Amendment 267

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems***, media service providers*** and other interested parties.

Amendment 268

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. The obligations set out in this Article are without prejudice to the right of audiences to the protection of personal data concerning them as provided for in Article 8 of the Charter of Fundamental Rights of the European Union and Regulation (EU) 2016/679.

Amendment 269

Proposal for a regulation
Article 24 – title

Text proposed by the Commission	*Amendment*
Allocation of state advertising	Allocation of ***public funds for*** state advertising ***and purchases***

Amendment 270

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage ***granted*** by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open,	1. Public funds or any other consideration or advantage ***allocated*** by public authorities to media service providers***, providers of online platforms and providers of online search engines*** for the purposes of advertising ***and purchases*** shall be awarded according to transparent,

proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. ***Such public funding allocated for the purposes of advertising to a singular media service provider, including to an online platform provider or to an online search engine provider, shall not exceed 15 % of the total budget allocated by the public authority to the totality of media service providers operating at national level.*** This Article shall not affect public procurement rules ***or the application of State aid rules***.

Amendment 271

Proposal for a regulation
Article 24 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Public authorities shall ensure that the criteria and procedures used to determine the allocation of public funds for the purposes of State advertising and purchases to media service providers, online platforms and online search engines in accordance with paragraph 1 are made available to the public in advance by electronic and user-friendly means. The national regulatory authorities or bodies shall consult the Board and national media stakeholders on the development of the methodology for such criteria and procedures.

Amendment 272

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Public authorities, including national, federal ***or*** regional ***governments***, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants***, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising ***expenditure*** allocated to media service providers, which shall include at least the following details:	2. Public authorities, including ***at Union,*** national, federal***,*** regional***, or local level***, ***national*** regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the ***Union*** national***,*** regional, or local ***level***, shall make publicly available ***by electronic and user-friendly means*** accurate, comprehensive, intelligible, detailed and yearly information about their advertising ***and purchase expenditures*** allocated to media service providers***, providers of online platforms and providers of online search engines***, which shall include at least the following details:

Amendment 273

Proposal for a regulation
Article 24 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the legal names of media service providers from which advertising services ***were purchased***;	(a) the legal names of media service providers***, providers of online platforms or providers of online search engines*** from which advertising services ***and purchases were obtained***;

Amendment 274

Proposal for a regulation
Article 24 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) a short reasoning of the criteria and procedures applied for the allocation of public funds for the purposes of State advertising and purchases to media service providers, providers of online platforms or providers of online search engines;

Amendment 275

Proposal for a regulation
Article 24 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the total annual amount spent as well as the amounts spent per media service provider**.**	(b) the total annual amount spent as well as the amounts spent per media service provider***, provider of online platform or provider of online search engine;***

Amendment 276

Proposal for a regulation
Article 24 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) state advertising and state financial support allocated to media service providers, providers of online platforms or providers of online search engines;

Amendment 277

Proposal for a regulation
Article 24 – paragraph 2 – point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) details of revenue from contracts with State bodies received by companies that belong to the same business grouping as the media service provider.

Amendment 278

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall monitor the allocation of state ***advertising*** in media markets. In order to assess the accuracy of the information on state ***advertising*** made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2	3. National regulatory authorities or bodies shall monitor the allocation of state ***funding*** in media markets ***and to providers of online platforms and providers of online search engines***. In order to assess the accuracy of the information on state ***expenditures*** made available pursuant to paragraph 2,

further information, including information on the application of criteria referred to in paragraph 1.	national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including ***more detailed*** information on the application of ***the*** criteria ***and procedures*** referred to in paragraph 1.

Amendment 279

Proposal for a regulation
Article 24 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. National regulatory authorities or bodies monitoring the allocation of State expenditure shall report annually in a detailed and intelligible manner on the allocation of State expenditure to media service providers, providers of online platforms and providers of online search engine from the details set out to paragraph 2. Annual reports shall be made publicly available in an easily accessible manner.

Amendment 280

Proposal for a regulation
Article 24 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. The allocation of State expenditure to media service providers, providers of online platforms and providers of online

search engines for the purposes of emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3 once the emergency situation has ended. Such allocations shall be subject to the requirements set out in paragraph 1.

Amendment 281

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall ensure an independent monitoring of the internal market for media services, ***including risks to and progress in*** its functioning and resilience***. The findings of the*** monitoring exercise ***shall be subject to consultation with the Board***.	1. The Commission***, in consultation with the Board,*** shall ensure an independent ***and continuous*** monitoring of the internal market for media services, ***concerning*** its functioning and resilience***, risks to it and its progress in the area of media freedom and media pluralism. The Commission may involve European bodies with relevant expertise in media freedom and media pluralism in that*** monitoring exercise.

Amendment 282

Proposal for a regulation
Article 25 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In the monitoring exercise referred to in paragraph 1, the Commission shall

	take into account the Board's reports, assessments and recommendations, input from civil society, the results from the Media Pluralism Monitor and the findings of its annual rule of law reports.

Amendment 283

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The monitoring exercise shall ***include***:	3. The monitoring exercise shall***, in particular***:

Amendment 284

Proposal for a regulation
Article 25 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) a detailed analysis of the resilience of media markets of all Member States, including ***as regards*** the level of media concentration and risks ***of foreign*** information manipulation and interference;	(a) ***take into account*** a detailed analysis of the resilience of media markets of all Member States, including ***an overview of*** the level of media concentration and risks ***to media pluralism and the editorial independence of media service providers, including*** information manipulation and interference;

Amendment 285

Proposal for a regulation
Article 25 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;	(b) ***include*** an overview and forward-looking assessment of the resilience of the internal market for media services as a whole***, including as regards the degree of concentration of the market***;

Amendment 286

Proposal for a regulation
Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) include a continuous and detailed assessment of the implementation of Articles 3, 4 and 7;

Amendment 287

Proposal for a regulation
Article 25 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) an overview of measures taken by media service providers with a view to	(c) ***include*** an overview of measures taken by media service providers with a

guaranteeing the independence of ***individual*** editorial decisions***.***	view to guaranteeing the independence of editorial decisions***;***

Amendment 288

Proposal for a regulation
Article 25 – paragraph 3 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) include a detailed assessment of the allocation of public funds for State advertising and purchases;

Amendment 289

Proposal for a regulation
Article 25 – paragraph 3 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) include an overview of national measures affecting media pluralism and the editorial independence of media service providers, taking into account their political independence and accessibility;

Amendment 290

Proposal for a regulation
Article 25 – paragraph 3 – point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) include an overview of the implementation and impact of the functionality of very large online platforms for recognised media service providers as referred to in Article 17;

Amendment 291

Proposal for a regulation
Article 25 – paragraph 3 – point c d (new)

Text proposed by the Commission	*Amendment*
	(cd) assess the independence of the national regulatory authorities or bodies.

Amendment 292

Proposal for a regulation
Article 25 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The Commission shall establish an easy-to-use and publicly available alert mechanism to detect risks concerning the application of this Regulation.

Amendment 293

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The monitoring shall be carried out annually***, and its*** results shall be made publicly available.	4. The monitoring shall be carried out annually***. The*** results ***of the monitoring shall be presented annually to the European Parliament and*** shall be made publicly available.

Amendment 294

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [***four*** years after the entry into force of this Regulation] ***at the latest,*** and every ***four*** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By [***two*** years after the entry into force of this Regulation] and every ***two*** years thereafter, the Commission shall evaluate ***the implementation of*** this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee***, including on the findings and follow-up measures to be taken***.

Amendment 295

Proposal for a regulation
Article 28 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19(2)*** shall apply from [***48*** months after the entry into force].	However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19*** shall apply from [***24*** months after the entry into force].

EXPLANATORY STATEMENT

A. Background

On 16 September 2022, the Commission published its eagerly awaited proposal establishing a common framework for media services in the internal market (the 'European Media Freedom Act') with the overall objective of laying down common rules for the proper functioning of the internal market for media services. The proposal also provides for the establishment of a European Board for Media Services (the 'Board'), which will replace the European Regulators Group for Audiovisual Media Services (ERGA), which was established by the Audiovisual Media Services Directive. The proposal has a broad media policy perspective, covering the entire information ecosystem, affecting both media companies and journalists as providers of information services as well as citizens and businesses as recipients of information. The proposal also covers all types of media and the content of media service providers on very large online platforms.

B. Consideration of the proposal at the European Parliament

The proposal is of major political importance, particularly for the European Parliament's Committee on Culture and Education (CULT), which has the responsibility for audiovisual, information and media policies.

The Commission presented the proposal for the first time on 23 January 2023. Very soon thereafter, on 6 February 2023, a public hearing was organised by CULT in association with

the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) and Committee on Civil Liberties, Justice and Home Affairs Committee (LIBE).

In order to avoid any possible delays and to allow interinstitutional negotiations to take place before the end of ninth term of Parliament in 2024, the rapporteur has decided to deal with the proposal as speedily as possible. Therefore, following intense consultations with stakeholders in February 2023 and the exchange of views in CULT on 28 March 2023, the rapporteur submitted this draft report on 31 March 2023.

The deadline for amendments set by CULT is 5 May 2023. IMCO and LIBE, as the two opinion-giving committees, will adopt their positions by the end of June 2023, allowing the report to be adopted in September 2023. Interinstitutional negotiations could then start in October 2023.

C. Position and key amendments proposed by the rapporteur

The rapporteur considers that media freedom and pluralism are core values, enshrined in the Charter of Fundamental Rights of the European Union. They are not limited to media ownership but also relate to access to a wide range of information. Dominant operators should not unduly influence citizens and there should be transparent mechanisms to ensure that media are truly independent. The rapporteur firmly believes that a free, diverse and dynamic media sector is key to democracy and to nurturing the Union's cultural diversity.

In economic terms, the rapporteur acknowledges the fact that the European media sector covers a variety of businesses that produce and distribute content. The sector is largely composed of SMEs but there are also some big media companies. It contributes to job creation and growth with a turnover exceeding 3 % of GDP [EC data, 2020].

It is important to highlight that media policy has an interdisciplinary and complex nature and media law has been traditionally regulated at national level. However, it is also clear that over

the years, the Union has played an increasingly important role in media policy. This calls for consistency between existing legal acts and the new proposal.

Furthermore, the rapporteur considers that it is essential to recall that Parliament has always been very vocal when it comes to the need to protect media pluralism, denouncing several threats to editorial independence and journalists' freedom and continuously calling for a holistic strategy for the media sector.

Overall, the Rapporteur welcomes the proposal but recommends a series of amendments in order to clarify certain provisions. Therefore, this draft report contains a number of suggestions that the Rapporteur would like to see taken into account in the final legal text. Some of these make significant policy changes to the proposal and are briefly listed below:

(1) maintaining the right balance between national and Union competences on media pluralism and independence, while ensuring the respect for cultural diversity, national rights and duties and single market objectives;

(2) ensuring coherence and clear interlinks and complementarities between the proposal, the Audiovisual Media Services Directive and other Union efforts to promote and support media freedom and pluralism;

(3) safeguarding the independent functioning of public service media providers, while respecting and guaranteeing consistency with the Amsterdam Protocol;

(4) guaranteeing the full independence of the European Board for Media Services, which replaces the ERGA;

(5) detailing the scope of certain measures and existing structures in place and clarifying cooperation mechanisms between all the authorities involved in order to mitigate future enforcement challenges;

(6) clarifying the relationship between media service providers and very large online platforms, on the one hand, and the protection of media content and editorial independence, on the other;

(7) recommending future-oriented measures related to media pluralism and to the viability, resilience and digital transformation of the media sector.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
ACT
Anga Der Breitbandverband e.V.
Arbeitsgemeinschaft Privater Rundfunk (APR)
ARD
Association of European Radio
Audience Measurement Coalition (AMC)
Axel Springer SE
Bertelsmann SE & Co. KGaA
Bundesverband Digitalpublisher und Zeitungsverleger e.V.
Eurocinema
European Broadcasting Union (EBU)
European Federation of Journalists

European Magazine Media Association (EMMA)
European Newspaper Publisher’s Association (ENPA)
European VOD Coalition
German Media Association
Institute for Information Law (University of Amsterdam)
Medienverband der freien Presse e.V.
Netflix
News Media Europe
Regulatory Affairs
Reporters sans frontières
Schibsted
University of Amsterdam
VAUNET - Verband Privater Medien e. V.
VIVENDI
ZVEI e.V.
Zweites Deutsches Fernsehen (ZDF)

29.6.2023

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Culture and Education

on the proposal for a regulation of the European Parliament and of the Council on Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Rapporteur for opinion: Geoffroy Didier

SHORT JUSTIFICATION

The EMFA aims to recognize the crucial importance of the media in the European Union, considering that their plurality and independence are necessary for the proper functioning of democracy. In recent years, the European Union has seen a decline in the independence and pluralism of the audiovisual and press media in a certain number of its Member States. The objective of this proposal is therefore to guarantee the independence and pluralism of the media and to ensure their proper functioning in the internal market, particularly in the light of the digital transition and emergence of new actors.

It is important to keep in mind the fact that online platforms, social networks and search engines have a massive impact on the way the information is processed and shared. Studies have shown that the vast majority of consumers now receive their information from the internet, and more particularly from social networks. This development has a profound effect on the way media consumption and the media market is structured and the way citizens receive and perceive information. It is a matter of fact that some of these actors are important sources of disinformation and fake news, remaining partly unregulated. Moreover, these new actors must be considered as direct competitors to the traditional media (written press and audio-visual media). It is therefore of utmost importance to establish rules which allow finding a certain equality of conduct. It is essential to better include those players in the scope of the Regulation, in the sense that clearer obligations regarding the management and moderation of content provided by media services on very large online platforms and search engines are necessary. Clarifying the obligations regarding audience measurement, which

must be based on common standards, must also encompass online platforms, so that actors such as VLOPs, very large search engines, video-sharing platforms or social networks also adhere to the highest standards of audience measurement.

The EMFA is currently not in line with the institutional, legal and economic framework of the media, which differs widely across the EU. Considering that, the Rapporteur proposes several modifications to better fit with EU law and especially the current ecosystem in place in many EU countries. It is important to remind that the press and audiovisual sectors are distinct, do not operate in the same way, operate in different markets and are regulated by different systems. It is necessary to separate them in order to take account of their specificities and to adapt the requirements of the text in the light of the press regulation in the Member States, which already guarantees a high level of protection of media pluralism.

More specifically, on the press, the EMFA gives the editor exclusive control over all editorial decisions, thus depriving the publisher of any capacity to direct his publication, even though he is legally and financially responsible for the content on it. There is a risk that journalists will themselves become primarily criminally liable for their writings, which could only restrict their capacity for initiative and encourage self-censorship. Editorial freedom is primarily the responsibility of the publisher and editorial authority and responsibility cannot be dissociated. In addition, freedom, independence and pluralism of the media should be reinforced by creating the obligation for newsrooms to adopt an ethical charter. This charter would be negotiated between the publisher and the journalists and established with reference to the main ethical principles specific to the journalistic profession.

Finally, the EMFA proposes changes to the Audiovisual Media Services Directive, replacing the ERGA with a new structure (the "Board"). Incidentally, these provisions risk undermining the cultural exception protections, offering a better choice to consumers, laid down in the AVMSD. Therefore, the Rapporteur proposes to clarify the scope to ensure the consistency with relevant legislation. The provisions of the EMFA should offer maximum guarantees for the independence and decision-making of the Board and mainly focus on the audiovisual sector and digital services. Also, it is crucial that the EMFA emphasises stronger and more binding provisions for Member States to ensure an effective and adequate level of resources for the National Regulatory Autorities to carry out all their new tasks.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Culture and Education, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.	(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and ***can be used in a way that strongly influences the shaping of public opinion and discourse. The way they design their services is generally optimised to benefit their often advertising-driven business models that can cause societal concerns and can*** amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain

competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.

Amendment 2

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market. ***In particular,*** different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.	(4) However, the internal market for media services is insufficiently integrated. A number of ***unjustified*** national restrictions hamper free movement within the internal market. Different national rules and approaches related ***for example*** to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.

Amendment 3

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) Recipients of media services in the Union (natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .	(6) Recipients of media services in the Union (natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive free and pluralistic media services***, in their own language, and related to their own cultural preferences,*** in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards [46] .
[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).	[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Amendment 4

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or ***very large*** online platforms have started to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms ***and hosting services in general*** may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or online platforms have started ***to produce their own content and*** to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 5

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) The definition of audience measurement should cover measurement systems developed as agreed by industry	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry

standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.	standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. ***This will ensure that all providers, including providers of proprietary audience measurement systems, are transparent about their audience measurement methodologies.***

Amendment 6

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities ***of more than 1 million inhabitants***. However, the definition of state advertising should not	(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities ***in which the State is involved in the everyday business and has influence or***

include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other ***sudden*** incidents that can cause harm to individuals.

control over advertising strategies. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other ***unforeseen, major*** incidents that can cause harm to individuals ***or significant portions of the population***.

Amendment 7

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and ***editors*** in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.	(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, ***in their own language, and related to their own cultural preferences ,***which have been produced by journalists and ***editorial managers*** in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. Such quality media services are also an antidote against disinformation, including foreign information manipulation and

interference.

Amendment 8

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) This Regulation does not affect the freedom of expression guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism[47] .	(12) This Regulation does not affect the freedom of expression ***and information*** guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism[47] .
[47] Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.	[47] Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.

Amendment 9

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Media services of general interest play a unique role in the internal market by providing access to a plurality of views

	and reliable sources of information, freedom of speech, social cohesion and cultural diversity to consumers. However, some Member States have adopted various national rules related to the prominence of media services of general interest, while others have no rules at all. Divergent approaches at national level, have created fragmentation in the internal market, causing legal uncertainty, market fragmentation, an unfair level-playing field and increasing compliance costs for media companies. In addition, the internal media market has become increasingly digital as media services are provided and accessed through the internet, which is by nature cross-border. In the last decade, European media companies have faced fierce competition from global online platforms. While such platforms have become gateways to media content, their business models tend to surface, promote and amplify content that provides the best economic outcome, and is thus often to the detriment of media content of general interest providing reliable information to consumers.

Amendment 10

Proposal for a regulation
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) In order to be effective, audiovisual and audio media services of general interest should be prominently placed at the first selection level on devices or user

	interfaces and should be accessible through a single action by the user, including clicking or scrolling. General interest audiovisual and audio media services should be made prominent in their entirety. Items of content of general interest services could be prioritised on user interfaces where only individual content items are selectable.

Amendment 11

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.	(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. ***Without affecting the rules of Directive 2010/13/EU and their implementation by the Member States,*** media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment 12

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) Journalists and ***editors*** are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources contributes to the protection of the fundamental right enshrined in Article 11 of the Charter.	(16) Journalists and ***editorial managers*** are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources contributes to the protection of the fundamental right enshrined in Article 11 of the Charter.

Amendment 13

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their ***mission***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, ***to*** put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***mission*** that enables predictability in their planning. ***Preferably,*** such funding should be decided and appropriated on a multi-year basis, in line with the public service ***mission*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to ***universal and varied offers including*** quality information***, balanced*** and impartial media coverage, as part of their ***remit***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, ***that Member States*** put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***remit*** that enables predictability in their planning. Such funding should be decided and appropriated on a multi-year basis, in line with the public service ***remit*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the ***application of the State aid rules as applied on a case-by-case basis or the***

public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

competence of Member States to ***define a broad and dynamic remit, organise and*** provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Amendment 14

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Media integrity ***also requires a proactive approach to promote*** editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee***, once the overall*** editorial ***line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity***. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of ***such*** services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service	(20) ***It is important to ensure that national and regulatory systems in Europe should operate in a manner that ensures effective editorial independence and integrity.*** Media integrity ***can be supported by promoting*** editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee ***that*** editorial ***staff can operate freely. These measures can help to improve competitive condition***. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and ***improve*** the quality of services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure

recipients.	transparency of actual or potential conflicts of interest to their service recipients. ***This is without prejudice to national provisions that govern liability rules applicable to the editorial content of media services. Editorial independence safeguards should not prevent or otherwise restrict managerial decisions where the principal purpose of such decisions is to shield the media service provider or the editors from liability risks.***

Amendment 15

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) The freedom, independence and pluralism of the media should be reinforced by encouraging media service providers to develop and adopt codes of conducts and ensure compliance with ethical principles, These codes are to be developed in cooperation with organizations or associations of journalists, shareholders, directors and editorial managers of publications and newsrooms and established with reference to the main ethical principles specific to the journalistic profession; in addition to the general principles of independence, freedom and reliability of information.

Amendment 16

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[50] should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation[51] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.	***deleted***
[50] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive	

2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

[51] OJ C , , p. .

Amendment 17

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. ***In order to ensure a consistent application of*** this Regulation ***and other Union media law,*** it is ***necessary to set up an independent advisory body at Union level gathering such*** authorities or bodies ***and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to***	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. ***Therefore, given the importance and the extensive nature of the tasks conferred by*** this Regulation ***to these authorities, directly or indirectly*** it is ***of utmost importance to ensure that the financial, human and technical resources of the national regulatory*** authorities or bodies ***are adequately and sufficiently allocated in order to comply with the obligations laid down in*** this regulation***. National Regulatory Authorities or bodies should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. National Regulatory Authorities or bodies should also have full autonomy and decision-***

replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation ***is justified in this case as it is limited to a provision which does not need to be transposed by*** Member States ***and is addressed to the institutions*** of the ***Union***.

making control in terms of management of internal structure, organization, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, National Regulatory Authorities or bodies should have allocated a separated annual budget. Member states ***should ensure that National Regulatory Authorities or bodies are granted full autonomy in the spending*** of the ***allocated budget for the purpose of carrying out their duties***. ***Any control on the budget of the National Regulatory Authorities should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public. Considering that press publications are traditionally not subject to regulatory oversight, for the purpose of Chapter III, Section 2 of this Regulation, "media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.***

Amendment 18

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission	*Amendment*
	(22a) In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies

and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. However, a separate agenda should be kept by the Board as for the implementation of Directive 2010/13/EU which is a Directive involving specificities due to the implementation process by the Member States.

Amendment 19

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The Board should bring together ***senior*** representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to	(23) The Board should bring together ***high-level*** representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite

attend its meetings***, in agreement with the Commission,*** experts and observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.	***on a case-by-case basis, external experts*** to attend its meetings***. The Board should have the possibility to designate*** experts and observers ***to attend its meetings***, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ***to invite*** ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

Amendment 20

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise ***and assist*** the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***in agreement with***	(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***on its own initiative*** or upon ***the***

the Commission or upon ***its*** request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a ***secretariat provided by the Commission. The Commission secretariat*** should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Commission's request in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of a ***body of the Union, an independent Bureau dedicated to the Board. The Bureau of the European Board for Media Services*** should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Amendment 21

Proposal for a regulation
Recital 25

Text proposed by the Commission	*Amendment*
(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council[52] , which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities	(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council[52] , which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities

or bodies with new tasks.	or bodies with new tasks. ***Therefore, the Board, in consultation with the Commission, may also establish cooperation arrangements with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations.***
_____	_____
[52] Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).	[52] Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).

Amendment 22

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.	(26) ***The European Regulators' Group for Audiovisual Media Services adopted in 2020 a Memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order*** To ensure the ***comprehensive and*** effective enforcement of Union media law, to prevent the possible circumvention of the

applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

Amendment 23

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.	(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular***, and without prejudice to the country-of-origin principle***, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.

[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

Amendment 24

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services ***of general interest***. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content ***of general interest,*** in order to help achieving a level playing field in the internal market and	(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU ***and an effective application of these two instruments*** is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under ***and proper application and enforcement of*** Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content in order to help

compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field***. Such guidelines should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and be without effect to existing national prominence measures***. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Amendment 25

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28a) Transparency of media ownership is a fundament to monitor and understand the functioning of the European media

market. Media ownership databases can serve as a one-stop shop for citizens and other stakeholders to provide them with information mapping the ownership structures in the market.

Amendment 26

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common technical prescriptions for devices controlling or managing access to and use of audiovisual media services or carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.	(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common technical prescriptions for devices***, including remote controls,*** controlling or managing access to and use of audiovisual media services or carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.

Amendment 27

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the ***coordination*** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under ***Article 3(3) and 3(5) of*** Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. ***Additionally, it is necessary to coordinate the*** national measures ***that may be adopted to counter public security and defence*** threats ***by*** media services ***established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in***	(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established ***or originating from*** outside ***of*** the Union***, irrespective of the means and distribution or access*** that target ***or reaches*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence***, public health, or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence***. In this regard, the ***cooperation*** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance***, pursuant to the opinion of the Board,*** should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with

agreement with the Commission, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.	Union law. ***Following a request of the authority or body from another Member State, the competent*** national ***authority or body could be invited by the Board to undertake certain*** measures ***where the*** threats ***stemming from such*** media services ***are prejudicing or presenting a serious and grave risk of prejudice for several Member States***. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 28

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission	*Amendment*
	(30a) The implication of the Board should be limited to what is stricly necessary and therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Amendment 29

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission	*Amendment*
	(30b) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the service provider and the service provided. Those criteria should be used by national regulatory authorities or bodies, when a media service provider from outside of the Union seeks jurisdiction in one of the Member States, or when it is already under the jurisdiction of a Member State. The criteria should inter alia cover content, ownership, economic and financial connections, editorial independence or lack thereof from the third country state and should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence, public health, or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Amendment 30

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, ***while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act],*** they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should ***endeavour to*** submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) ***2022/XXX [the Digital Services Act]***. In particular, this Regulation should not prevent a provider of a very large online	(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, ***providers of very large online platforms also have to take due account of users' freedom of information, freedom and media pluralism in accordance with Regulation (EU) 2022/2065 and shall contribute in an appropriate manner to the plurality of the media.*** Also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/2065*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should submit the ***detailed*** statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU)

platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/XXX [the Digital Services Act]***.	***2022/2065***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/2065***.
_____	_____
[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).	[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

Amendment 31

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and ***without undue delay***.	(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and ***within a 24-hour period***.

Amendment 32

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time ***retaining the possibility not to accept such*** self-declaration where they consider that these conditions are not met. Providers of very large online platforms ***may*** rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission ***may be useful*** to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil ***society*** organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.	(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, ***(including the supervision by an audiovisual media regulatory authority or body, or a press council), and which supervision they are subject to,*** while at the same time ***to have such a*** self-declaration ***verified*** where they consider that these conditions are not met. ***When a media service provider declares itself subject to regulatory requirements or adhering to co- or self-regulatory mechanisms, it should be able to provide contact details of the relevant national regulatory authority or body or of the representatives of the co- or self-regulatory mechanism. In case of reasonable doubts, which could be based on information coming from relevant civil society organisations, this would enable the very large online platform to confirm with these authorities or bodies that the media service provider is subject to such requirements or mechanisms. Where relevant,*** providers of very large online platforms ***should*** rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative***, the recognition of the status of press publication used by media service providers in certain Member States*** or other relevant codes of conduct. ***In order for the self-declaration system to work***

effectively and be as fair and transparent as possible, media service provide should have the possibility to appeal against the refusal by very large online platforms to accept their declaration. The Commission should develop guidelines setting out the concrete modalities and basic requirements for these external complaint mechanisms. Guidelines by the Commission ***are key*** to facilitate an effective implementation of such functionality, ***ensuring consultations with the national regulatory authorities or bodies or co- or self-regulatory bodies,*** including on modalities of involvement of relevant civil organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 33

Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission	*Amendment*
	(33a) To avoid an eventual abuse of the declaration system by media service providers which do not effectively comply with the requirements stipulated in Article 17(1) of this Regulation, in case of repeated violation of the law or breach of terms and conditions, the provider of a very large online platform should invalidate a declaration of a media service provider and should inform the supervising or regulatory entity about the invalidation of such declaration. If a

media service provider is operating in more than one Member State and is violating the law or breaching terms and conditions in one Member State, the provider of a very large online platform may inform the Board, which will have to notify the regulatory authorities and bodies in the other states where the media service provider operates about the situation created by the respective media service provider.

Amendment 34

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that ***restrictions on*** their content ***are*** frequently ***imposed*** by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that their content ***is*** frequently ***objected to*** by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. ***In accordance with Regulation 2022/2065, and without prejudice to the right of effective judicial redress, media service providers should have access to the certified out-of-court dispute settlement mechanism in case a provider of very***

large online platform decides to suspend or otherwise restrict content.

Amendment 35

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms***,*** representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission ***may, where relevant,*** examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/XXX [Digital Services Act]*** and may ask the Board to support it to this effect.	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation***, as well as to assess possible negative effects of these initiatives or of content moderation policies by very large online platforms on the freedom and pluralism of the media. Providers of very large online platforms may be invited to participate in the meetings organised by the Board and to engage in the dialogue in good faith***. The Commission ***should*** examine the reports on the results of such structured dialogues when assessing systemic ***risks*** and emerging issues across the Union under Regulation (EU)

2022/2065 and may ask the Board to support it to this effect.

Amendment 36

Proposal for a regulation
Recital 36 a (new)

Text proposed by the Commission	*Amendment*
	(36a) In order to ensure that the Board involvement and contribution in the relationship between the providers of very large online platforms with media service providers in the online environment is as effective and useful as possible, it is of utmost importance that the Board, upon request, is entitled to receive all the necessary information from the providers of very large online platforms, including the exchange of information between the providers of very large online platforms and the medias services providers.

Amendment 37

Proposal for a regulation
Recital 36 b (new)

Text proposed by the Commission	*Amendment*
	(36b) In collaboration with national regulatory agencies or bodies, the Board should issue an annual report on media freedom in each Member State. The

report must include a transparency index and other criteria deemed necessary to assess the state of media freedom, such as the independence of media outlets, the level of media pluralism, journalists' access to information, journalists' safety, the level of media ownership concentration, the effectiveness of media self-regulation, public trust in the media, the existence of public funding for media, and the level of media literacy among the general public. The report should also include suggestions for each Member State based on the study cases chosen in consultation with national regulatory authorities or bodies to improve cooperation among national regulatory authorities or bodies and promote media freedom and plurality in the Union. The Commission should consider the report and suggestions when reviewing systematic and emergent concerns across the Union under Regulation (EU) 2022/2065, and may request Board cooperation in this regard.

Amendment 38

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for	(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for

content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a ***device,*** through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a ***user interface*** through hardware ***shortcuts such as dedicated buttons on remote controls*** or software shortcuts, applications and search areas***,*** , which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations. ***User interface elements or hardware elements that are unrelated to controlling or accessing audiovisual media services as such should not be subject to the requirement for changing settings. For instance, user interface elements primarily serving the operation of the device such as menu guides or buttons dedicated to regulating volume or brightness should not be subject to this obligation.***

Amendment 39

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or online platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed choices and opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Amendment 40

Proposal for a regulation
Recital 37 b (new)

Text proposed by the Commission	*Amendment*
	(37b) Audiovisual media services are subject to various obligations to meet

important public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore important that devices be designed in a way that ensures fair access to audiovisual media services, from the perspective of both viewers and media service providers. Logical channel numbers on numeric pads should allow viewers to directly access the audiovisual media service and help ensuring a fair and direct access to audiovisual media services.

Amendment 41

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can negatively affect ***the operation*** of media service providers in the internal market***. They include, for example, rules to limit the ownership of media companies by other companies active*** in the ***media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers***. In order to mitigate their potential negative impact ***on the functioning of the internal market for media services*** and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.	(38) Different legislative, regulatory or administrative measures can negatively affect ***either media pluralism or the editorial independence*** of media service providers in the internal market***, or are likely to affect fundamental freedoms as defined*** in the ***Charter of fundamental rights of the European Union***. In order to mitigate their potential negative impact and enhance legal certainty, it is important that such measures comply with the principles of objective justification, ***adequacy,*** transparency, non-discrimination and proportionality. ***Concerning national measures implementing Directive 2010/13/EU or otherwise governed by State aid rules, while some may affect media pluralism or the editorial independence of media***

	services, or may affect fundamental rights as defined in the European Union's Fundamental Charter, others may aim to protect a section of the population (national measures aiming at protecting minors or minorities, for example) or cultural diversity.

Amendment 42

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion, ***on the Commission's request,*** where national measures are likely to affect ***the functioning of*** the internal market ***for media services***. This is, for example, the case when a national administrative measure is addressed to a media service provider ***providing*** its services ***towards more than one Member State***, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.	(39) It is also key that the Board is empowered to issue an opinion, where national measures are likely to affect ***either media pluralism or the editorial independence of media service providers in*** the internal market ***or are likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union***. This is, for example, the case when a national administrative measure is addressed to a media service provider ***for*** its services ***provided outside the national borders***, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State***, or if it is preventing a media service provider established in one Member State to provide services or start operations in another Member State***.

Amendment 43

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of ***media*** market concentrations that could have a significant impact on media pluralism ***or*** editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. ***Media*** market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.	(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of market concentrations that could have a significant impact on media pluralism ***and*** editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion ***or very large online platforms carrying content provided by media service providers which control access and visibility to the content of media service providers*** in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. ***Such rules should also take into account the media market in its entirety, including the online environment and very large online platforms as well as sectoral specificities, including the economic sustainability of the sector as a***

whole.

Amendment 44

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of ***media*** market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of ***media*** market concentrations on media pluralism and editorial independence are set out in advance.	(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of market concentrations on media pluralism and editorial independence are set out in advance.

Amendment 45

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) When a ***media*** market concentration	(42) When a market concentration

constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of ***media*** market concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

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[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of market concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

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[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

Amendment 46

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal	(43) ***Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes.*** The Board should be empowered to provide opinions on draft decisions or opinions by the designated or

media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given ***media*** market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given ***media*** market concentration, but that ***media*** market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, ***upon request of the Commission.*** In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given market concentration, but that market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 47

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered,	(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered,

including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the ***media*** market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the ***individual*** editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the ***individual*** editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

including notably the effect on the formation of public opinion, ***focusing on activities directly related to the provision of media services, such as the provision of information,*** taking into account of the online environment ***and the important role of public service media providers***. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market. ***Consideration should also be given to competition with online platforms and publicly funded public service broadcasters, as well as whether the concentration would stimulate investments for a vital media market.***

Amendment 48

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. ***It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content.*** Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.	(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. Accordingly, media market players, in particular media service providers***, right holders*** and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience ***or consumption and performance*** measurement solutions. However, certain new players***, such as online platforms*** that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in ***incomparable measurement systems and*** information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market. ***To secure impartiality in measurement, the methodology used in audience measurement should be audited by independent bodies.***

Amendment 49

Proposal for a regulation
Recital 45 a (new)

Text proposed by the Commission	*Amendment*
	(45a) Online platforms' capacity to offer content without exercising editorial responsibility over it and market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition.

Amendment 50

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible,	(46) In order to enhance the verifiability***, comparability*** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible,

should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/XX [Digital Markets Act]***, including those concerning ranking or self-preferencing.

should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. ***The methodology and its application shall be audited at least once a year by an independent body. The information must be as granular as the information provided by the rest of the media market, including non-aggregated data.*** Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period ***and the coverage of measurement***. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/1925***, including those concerning ranking or self-preferencing.

Amendment 51

Proposal for a regulation
Recital 47

Text proposed by the Commission	*Amendment*
(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***can*** contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already	(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***together with media service providers, their representative organisations, online platform providers, civil society and any***

been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

other interested parties contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, ***comparability,*** impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment 52

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider ***from any Member State which can adequately reach some or all of the relevant members of the public,*** in order to ensure equal opportunities in the internal market. Moreover, State	(48) State advertising is an important source of revenue for many media service providers ***and providers of online platforms***, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers ***and providers of***

advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or 'capture' media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

online platforms vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or 'capture' media service providers ***and providers of online platforms***. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Amendment 53

Proposal for a regulation
Recital 49

Text proposed by the Commission	*Amendment*
(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.	(49) In order to ensure undistorted competition between media service providers ***and providers of online platforms,*** and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. ***Media service providers receiving public funds or any other economic advantage for the purposes of advertising from third-countries shall annually submit a report to the national regulatory authority or body. The relevant authority shall make these reports publicly available.*** This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 54

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while ***preserving*** the quality of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while ***ensuring*** the quality of media services ***as well as cultural and linguistic diversity and a high level of consumer protection***.

Amendment 55

Proposal for a regulation
Article 1 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) Directive 2001/29/EC;

Amendment 56

Proposal for a regulation
Article 1 – paragraph 2 – point a b (new)

Text proposed by the Commission	*Amendment*
	(ab) Directive 2019/789/EU;

Amendment 57

Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) Regulation (EU) ***2022/XXX [the Digital Services Act]***;	(d) Regulation (EU) ***2022/2065***;

Amendment 58

Proposal for a regulation
Article 1 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) Regulation (EU) ***2022/XXX [the Digital Markets Act]***;	(e) Regulation (EU) ***2022/1925***;

Amendment 59

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law.	3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III ***and Article 24***, provided that those rules comply with Union law.

Amendment 60

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. This Regulation is without prejudice to Union competition rules, including antitrust, merger and State aid rules.

Amendment 61

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'media service provider' means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) 'media service provider' means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content ***or decides the overall editorial line and exercises editorial control over a section or sections*** of the media service and determines the manner in which it is organised;

Amendment 62

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission	*Amendment*
(3) 'public service media provider' means a media service provider which is entrusted with a public service ***mission*** under national law or receives national public funding for the fulfilment of such a ***mission***;	(3) 'public service media provider' means a media service provider which is entrusted with a public service ***remit*** under national law or receives national public funding for the fulfilment of such a ***remit***;

Amendment 63

Proposal for a regulation
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission	*Amendment*
	(6a) 'publishing director', means the legal representative of the media service provider who assumes legal and other responsibility for the provision of a media service;

Amendment 64

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission	*Amendment*
(7) '***editor***' means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that takes or supervises editorial decisions within a	(7) '***Editorial manager***' means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that ***has editorial responsibility and*** takes or

media service provider;	supervises editorial decisions within a media service provider***. Any person who has editorial responsibility over the content produced by the media service provider, regardless of their job title or role, shall be subject to the same obligations and responsibilities as an 'editorial manager' under this regulation***;

Amendment 65

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission	*Amendment*
(9) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service***, regardless of the existence of liability under national law for the service provided***;	(9) 'editorial responsibility' means the exercise of effective control***,*** both over the selection of the programmes or press publications ***contents*** and over their organisation, for the purposes of the provision of a media service;

Amendment 66

Proposal for a regulation
Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) 'online platform' means a service as defined in Article 3, point (i) of Regulation (EU) 2022/2065;

Amendment 67

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission	*Amendment*
(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 25(4) of Regulation (EU) ***2022/XXX [Digital Services Act]***;	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 25(4) of Regulation (EU) ***2022/2065***;

Amendment 68

Proposal for a regulation
Article 2 – paragraph 1 – point 12

Text proposed by the Commission	*Amendment*
(12) 'national regulatory authority or body' means ***the*** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;	(12) 'national regulatory authority or body' means ***any*** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;

Amendment 69

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) '***media*** market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;	(13) 'market concentration ***that could have a significant impact on media pluralism and editorial independence***' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;

Amendment 70

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation or prices or ***the related*** planning, production or distribution of content;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing ***comparable*** data about the number and characteristics of users of media services ***programs or online platforms, to determine the audience size, reach and frequency*** for the purposes of decisions regarding advertising allocation or prices or ***regarding*** planning***, buying, selling***, production ***dissemination*** or distribution of content;

Amendment 71

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional ***public authority***, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity ***of more than 1 million inhabitants***;	(15) 'State advertising' means the placement***, promotion***, publication or dissemination, in any media service ***or online platform***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any ***public authority at Union,*** national or regional ***level***, such as ***the European Commission,*** national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity ***in which the State is involved in the everyday business and has influence or control over advertising strategies***;

Amendment 72

Proposal for a regulation
Chapter II – title

Text proposed by the Commission	*Amendment*
Rights and duties of media service providers and recipients	Rights and duties of media service providers and recipients ***[prominence of media services of general interest]***

Amendment 73

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse**.**	Recipients of media services in the Union shall have the right to receive ***and have access to*** a plurality of news and current affairs content, ***in their own language, and related to their own cultural references*** produced with respect for editorial freedom of media service providers, to the benefit of the public discourse***;***

Amendment 74

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Member States shall take measures to ensure the appropriate prominence of audiovisual and audio media services of general interest, in order to guarantee the right of consumers to access a broad range of information sources.

Amendment 75

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those ***allowed under*** Union law.	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those ***in conformity with*** Union law.

Amendment 76

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, regarding breaches of paragraph 2, points (b) and (c). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points (b) and (c).	3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, regarding breaches of paragraph 2, points (b) and (c). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points (b) and (c). ***Each independent authority or body handling complaints under this Article shall act with complete independence and remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions in performing its tasks and exercising its powers in accordance with this Regulation.***

Amendment 77

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services.

Amendment 78

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers shall provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service ***mission***.	1. ***Member States shall ensure that*** public service media providers shall provide in an impartial manner a plurality of information and opinions to their audiences, in ***an impartial and independent manner, in*** accordance with their public service ***remit***.

Amendment 79

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down ***in advance*** by national law.	The head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria***, ensuring media pluralism,*** laid down by national law.

Amendment 80

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of their public service ***mission***. Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of their public service ***remit and to meet the objectives therein***. Those resources ***and the process by which they are allocated*** shall be such that editorial independence is safeguarded.

Amendment 81

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Media service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services the following ***information***:	1. Media service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services ***including, to the extent possible, to persons with disabilities, detailed, comprehensive and regularly updated information, in particular*** the following:

Amendment 82

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) their legal name and contact details;	(a) their legal name and contact details***, registered office, legal form and the names of its legal representatives***;

Amendment 83

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) whether their direct or beneficial ownership is held by the government, a state institution, a state-owned enterprise or other public body;

Amendment 84

Proposal for a regulation
Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) the business interests or other corporate links or professional activities of their owners in other media service providers;

Amendment 85

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to ***guaranteeing*** the independence of ***individual*** editorial decisions. In particular, such measures ***shall*** aim to:	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to ***protecting*** the independence of editorial decisions. In particular, such measures ***may*** aim to:

Amendment 86

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) ***guarantee that editors are free*** to take ***individual*** editorial decisions in the exercise of their professional activity; and	(a) ***protect the freedom of editorial managers and, where applicable, publishing directors*** to take editorial decisions in the exercise of their professional activity***, including the exercise of the responsibility entrusted to the publishing director***; and

Amendment 87

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) ***ensure disclosure of any actual or potential*** conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.	(b) ***disclose any*** conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.

Amendment 88

Proposal for a regulation
Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) develop codes of conduct, in cooperation with organisations or

	associations of journalists, shareholders, publishing directors and editorial managers of publications and newsrooms. These codes of conduct shall be in line with widely recognised and accepted standards of professional and ethical journalism, such as ISO-type standards. The Board shall encourage all the actors referred to endorse the commitments stated in the codes of conduct, and to comply with them.

Amendment 89

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.	***deleted***

Amendment 90

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this	1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this

Regulation.	Regulation ***unless otherwise specified***.

Amendment 91

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks ***conferred*** under this Regulation. ***The organisational and functional autonomy of the national regulatory authorities or bodies shall be guaranteed.***

Amendment 92

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which ***Chapter III*** applies.	Where needed for carrying out their tasks under this Regulation***, and while respecting all the rights and interests***, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which ***this Regulation*** applies.

Amendment 93

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.	Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information ***and data*** that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be ***expected to be*** in possession of the information needed.

Amendment 94

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers to consult with other relevant national competent supervisory authorities, including digital service coordinators established by Regulation 2022/2065 and data protection authorities, in the context of their investigations and compliance assessments. Those powers shall include in particular the power to cooperate with

different competent supervisory authorities, each acting within their respective areas of competence.

Amendment 95

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4b. Member States shall entrust their relevant national regulatory authorities or bodies with developing, maintaining and regularly updating an online media ownership database containing disaggregated data about different types of media service providers. These databases shall be made public.

Amendment 96

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.	2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU. ***However, a separate agenda shall be kept by the Board as for the implementation of Directive 2010/13/EU which is a Directive involving specificities due to the implementation process by the Member***

States.

Amendment 97

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, person or body. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, ***national or European*** institution, person or body. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.

Amendment 98

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.	1. The Board shall be composed of ***high-level*** representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment 99

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair ***or its Vice-Chairs***. The Board shall elect a Chair ***and up to four Vice-Chairs*** from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair ***and the Vice-Chairs*** shall be two years.

Amendment 100

Proposal for a regulation
Article 10 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. To ensure continuity, the Board may elect a Steering Group from amongst its members, consisting of a Chair, a Vice-Chair and 3 other members, including the outgoing Chair. The Board's Rules of procedure shall specify the roles, the tasks and the procedures for the appointment of the members of the Steering Group.

Amendment 101

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***The Commission shall designate a representative to the Board. The representative of the Commission shall participate in all activities and meetings of the Board, without voting rights. The Chair of*** the Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall consult the Commission in preparation of its work programme and main deliverables.	5. The Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall consult the Commission in ***particular in*** preparation of its work programme and main deliverables.

Amendment 102

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board***, in agreement with the Commission,*** may invite experts and observers to attend its meetings.	6. The Board may invite experts and observers to attend its meetings.

Amendment 103

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***, in agreement with the Commission***.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights.

Amendment 104

Proposal for a regulation
Article 11 – title

Text proposed by the Commission	*Amendment*
Secretariat of the Board	***Bureau*** of the Board

Amendment 105

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***have a secretariat, which shall be provided by*** the Commission.	1. The Board shall ***be supported by a Bureau, independent from*** the Commission.

Amendment 106

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The main task of the ***secretariat*** shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.	2. The main task of the ***Bureau*** shall be ***to provide administrative and organisational support to the Board in order*** to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.

Amendment 107

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The ***secretariat*** shall ***provide administrative and organisational support to the activities*** of the Board***. The secretariat*** shall ***also assist the Board in carrying out its tasks***.	3. The ***Bureau*** shall ***act on the instructions*** of the Board ***and*** shall ***have sufficient human and financial resources allocated to it***.

Amendment 108

Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and	Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and

consistent application of this Regulation and of national ***rules*** implementing Directive 2010/13/EU throughout the Union. The Board shall:

consistent application of this Regulation and of national ***measures*** implementing Directive 2010/13/EU throughout the Union. The Board shall:

Amendment 109

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence***. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter***;	(c) advise the Commission, ***on its own initiative or*** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence;

Amendment 110

Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of	(d) ***on its own initiative, or*** when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4),

Directive 2010/13/EU;	point (c) and Article 28a(7) of Directive 2010/13/EU;

Amendment 111

Proposal for a regulation
Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission	*Amendment*
(e) ***in agreement with the Commission,*** draw up opinions with respect to:	(e) draw up opinions with respect to:

Amendment 112

Proposal for a regulation
Article 12 – paragraph 1 – point e – point i

Text proposed by the Commission	*Amendment*
(i) requests for cooperation ***and mutual assistance*** between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;

Amendment 113

Proposal for a regulation
Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission	*Amendment*
(f) upon request of the Commission, draw up opinions with respect to:	(f) ***on its own initiative, or*** upon request of the Commission, draw up opinions with respect to:

Amendment 114

Proposal for a regulation
Article 12 – paragraph 1 – point f – point i

Text proposed by the Commission	*Amendment*
(i) national measures which are ***likely*** to affect ***the functioning of*** the internal market ***for media services***, in accordance with Article 20(4) of this Regulation;	(i) national measures which are ***liable*** to affect ***either media pluralism or editorial independence of media service providers in*** the internal market ***or that is likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union***, in accordance with Article 20(4) of this Regulation;

Amendment 115

Proposal for a regulation
Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission	*Amendment*
(ii) ***media*** market concentrations ***which are*** likely to affect the functioning of the internal market ***for media services***, in accordance with Article 22(1) of this	(ii) market concentrations ***with a significant impact on media pluralism and editorial independence*** likely to affect the functioning of the internal market, in

Regulation;	accordance with Article 22(1) of this Regulation;

Amendment 116

Proposal for a regulation
Article 12 – paragraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable ***media*** market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism ***and editorial independence*** of a notifiable market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation; ***When taking decisions pursuant to paragraph g, the board shall base its opinions and decisions on the risk assessment referred to in Art. 21 (2) (a), which carefully identifies, analyses and assesses any systemic risk to media freedom and pluralism in the particular Member State. The Board shall also take into consideration the Commission's Rule of Law report as well as independent assessments of the media freedom and pluralism in Member States, such as World Press Freedom Index;***

Amendment 117

Proposal for a regulation
Article 12 – paragraph 1 – point h – point ii

Text proposed by the Commission	*Amendment*
(ii) factors to be taken into account when applying the criteria for assessing the impact of ***media*** market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) factors to be taken into account when applying the criteria for assessing the impact of market concentrations ***with a significant impact on media pluralism and editorial independence***, in accordance with Article 21(3) of this Regulation;

Amendment 118

Proposal for a regulation
Article 12 – paragraph 1 – point l

Text proposed by the Commission	*Amendment*
(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, ***and report on its results to the Commission,*** in accordance with Article 18 of this Regulation;	(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, in accordance with Article 18 of this Regulation;

Amendment 119

Proposal for a regulation
Article 12 – paragraph 1 – point m

Text proposed by the Commission	*Amendment*
(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with	(m) foster the exchange of best practices ***and encourage compliance with existing codes of conduct*** related to the

Article 23(5) of this Regulation.	deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment 120

Proposal for a regulation
Article 12 – paragraph 1 – point m a (new)

Text proposed by the Commission	*Amendment*
	(ma) In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, and without prejudice to the competences of the Member States and the institutions of the Union, the Board, in consultation with the Commission, may cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations. To that end, the Board may establish working arrangements.

Amendment 121

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A national regulatory authority or body may request ('requesting authority') cooperation ***or*** mutual assistance at any time from one or more national regulatory	1. A national regulatory authority or body may request ('requesting authority') cooperation ***(exchange of information and/or*** mutual assistance***)*** at any time

authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.	from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

Amendment 122

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Requests for cooperation ***or mutual assistance,*** including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.

Amendment 123

Proposal for a regulation
Article 13 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the request was not duly justified and proportionate.

Amendment 124

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue***, in agreement with the Commission,*** an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.	7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

Amendment 125

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1.	2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1 ***or justify the***

reasons for which no action has been taken.

Amendment 126

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken***, actions planned, or a refusal to take action,*** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment 127

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the

Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion***, in agreement with the Commission,*** without undue delay.	Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion without undue delay.

Amendment 128

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in close cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate ***and relevant***, and in close cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 129

Proposal for a regulation
Article 15 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the appropriate prominence of audiovisual media services ***of general***	(a) the appropriate prominence of audiovisual media services under Article

interest under Article 7a of Directive 2010/13/EU;	7a ***and 13(1)*** of Directive 2010/13/EU***, and its proper application and enforcement***;

Amendment 130

Proposal for a regulation
Article 15 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, ***including their subsidiaries, sister companies and parent companies,*** as provided under Article 5(2) of Directive 2010/13/EU.

Amendment 131

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. ***The Board shall assist the Commission in this regard, where requested.***	3. The Commission***, assisted by the Board,*** may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 132

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall ***foster*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***facilitate*** the development of technical standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.	4. The Board shall ***facilitate*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***promote*** the development of ***EU-wide harmonised*** technical standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.

Amendment 133

Proposal for a regulation
Article 15 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. The Board shall issue an annual report on the state of media freedom, including media ownership transparency, in each Member State and hold regular exchanges of best practices in these areas. The Board shall make use of the national media ownership transparency databases as referred to in Art. 7 (4) (b), the Commission's latest rule of law report, and consult with relevant stakeholders, including media organizations and civil society groups, to develop the relevant criteria for the report.

Amendment 134

Proposal for a regulation
Article 15 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4b. National regulatory agencies or bodies shall provide the Board with relevant data and information necessary to compile the annual report on media freedom as referred to in paragraph 4a. This information should be delivered promptly and in a format compatible with the Board's reporting requirements.

Amendment 135

Proposal for a regulation
Article 16 – title

Text proposed by the Commission	*Amendment*
Coordination of measures concerning media service providers established outside the Union	Coordination of measures concerning media service providers established ***or originating from*** outside the Union

Amendment 136

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***coordinate measures by*** national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.	1. ***Without prejudice to Article 3 of Directive 2010/13/EU,*** the Board shall ***facilitate the cooperation between*** national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established ***or originating from*** outside the Union that***, irrespective of the means of distribution or access,*** target ***or reach*** audiences in the Union where, inter alia in view ***of the nature*** of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence***, public health, or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence***.

Amendment 137

Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Without prejudice to the possibility of a direct request from the national regulatory authority or body of a country of destination to the competent national regulatory authority or body pursuant to art.13(2) of this Regulation, where an audiovisual media service provider established or originating from outside the Union falls under the territorial

jurisdiction of an EU Member State according to Article 2 of Directive 2010/13 and without prejudice to the procedures foreseen in Article 3 Directive 2010/13, a national regulatory authority or body of a country of destination may request the Board to issue an opinion inviting the authorities or bodies of the competent Member State to take appropriate measures concerning this media service provider.

The involvement of the Board shall be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure, together with the relevant processes. When preparing its opinion, the Board shall confirm that the following conditions are met:

(i) there is substantiated evidence that the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, public health or the content of the audiovisual media service provider manifestly, seriously and gravely infringes article 6(1) of AVMSD;

(ii) the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union.

Amendment 138

Proposal for a regulation
Article 16 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The coordination of measures and the opinions of the Board shall be without prejudice to the competence and responsibility of the Member States to assess the risks and threats to their public security and national defence that may be posed by media services originating outside from the EU.

Amendment 139

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***The Board, in agreement with the Commission, may issue opinions on appropriate*** national ***measures under paragraph 1. All*** competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. ***Without prejudice to their powers under*** national ***law, the*** competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board ***issued according to paragraph 1 and 1a***. ***The competent authority or body shall provide reasons for any decision not to undertake the recommended actions.***

Amendment 140

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure that national regulatory authorities or bodies, when deciding to take action against a media service provider originating from outside of the Union, shall duly take into account:
	(i) a decision taken against that provider by a national regulatory authority or body from another Member State, and/or
	(ii) an opinion of the Board relating to that provider and taken on the basis of paragraph 1.

Amendment 141

Proposal for a regulation
Article 17 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) it is subject to regulatory ***requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a*** co-regulatory ***or self-regulatory*** mechanism ***governing editorial standards,*** widely recognised and accepted in the relevant media sector in one or more Member States.	(c) it is subject to ***the supervision of an independent national*** regulatory ***authority or body or to the supervision of a self- or*** co-regulatory mechanism widely recognised and accepted in the relevant media sector in one or more Member States ***for the exercise of editorial responsibility and editorial standards***.

Amendment 142

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Providers of very large online platforms shall provide for a functionality allowing for declarations submitted in accordance with paragraph 1 to be public and easily accessible.

Amendment 143

Proposal for a regulation
Article 17 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. For the purpose of point (c), providers of very large online shall provide a functionality allowing recipients of their services to indicate the name and the contact details of the relevant national regulatory authorities or bodies or representatives of the co- or self-regulatory mechanisms. This information shall be made publicly available.

Amendment 144

Proposal for a regulation
Article 17 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. Self-declarations referred to in paragraph 1 should be easily verifiable and shall only be deemed valid if the relevant supervising or monitoring entities referred to in Paragraph 1(c) can confirm the adherence to the regulations and/or codes of practice by the declarant.

Amendment 145

Proposal for a regulation
Article 17 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. If a media service provider has repeatedly violated national or European law or if its content has been frequently suspended or restricted on the basis of a breach of the terms and conditions pursuant to paragraph 2, the providers of very large online platforms may invalidate the declaration of the media service provider. The provider of a very large online platform shall inform the supervising or regulatory entity and the Board if it invalidates the declaration referred to in paragraph 1.

Amendment 146

Proposal for a regulation
Article 17 – paragraph 1 e (new)

Text proposed by the Commission	*Amendment*
	1e. Providers of very large online platforms shall ensure that their content moderation processes guarantee the freedom of expression and of information, including media freedom and pluralism of news and information of the media service providers within the meaning of Article 2(2), including through adequate and sufficient human and financial resources and specific linguistic and cultural diversity training.

Amendment 147

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/XXX [Digital Services Act]***, it shall take all possible measures, to the extent consistent with their obligations under Union law, including ***Regulation (EU) 2022/XXX [Digital Services Act]***, to communicate to the media service	2. Where a provider of ***a*** very large online platform decides to suspend ***or otherwise restrict*** the provision of its online intermediation services in relation to ***any*** content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/2065***, it shall ***immediately*** take all possible measures, to the extent consistent with their obligations under Union law, including ***Regulation 2022/2065***, to communicate to the media

provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.

service provider concerned the ***detailed*** statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17 of Regulation (EU) 2022/2065***, ***if possible*** prior to the suspension ***or restriction*** taking effect***, and without undue delay***.

Amendment 148

Proposal for a regulation
Article 17 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. When providers of a very large online platform subsequently decide to suspend or otherwise restrict content of a media service provider that submitted a declaration pursuant to paragraph 1, it shall provide in writing a detailed statement of reasons.

Amendment 149

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that ***submitted a***	3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***or Article 20 of Regulation (EU) 2022/2065 and Article 86***

declaration pursuant to ***paragraph 1*** of this Article are processed and decided upon with priority and without undue delay.	***of Regulation (EU)2022/2065*** by media service providers that ***have a valid*** declaration pursuant to ***paragraphs 1 and 1c*** of this Article are processed and decided upon with priority and ***within 24 hours. Where the provider of a very large online platform fails to address the complaint within 24 hours on grounds of force majeure or for objectively justifiable reasons, it shall,*** without undue delay***, inform the media service provider***.

Amendment 150

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where a media service provider that ***submitted a*** declaration pursuant to ***paragraph 1*** considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider ***may*** notify the outcome of such exchanges to the Board.	4. Where a media service provider that ***has a valid*** declaration pursuant to ***paragraphs 1 and 1c*** considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution ***within a reasonable timeframe*** for terminating unjustified restrictions or suspensions ***with immediate effect,*** and avoiding them in the future. The media service provider ***shall*** notify the outcome of such exchanges to the Board. ***The Board may request additional documentation when it finds that the information provided by***

	very large online platforms in the context of meaningful and effective dialogues is not sufficient or adequate. If no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation 2022/2065 without prejudice to its right to effective judicial protection.

Amendment 151

Proposal for a regulation
Article 17 – paragraph 5 – introductory part

Text proposed by the Commission	*Amendment*
5. Providers of very large online platforms shall make publicly available on an annual basis information on:	5. Providers of very large online platforms shall make publicly available on ***at least*** an annual basis***, detailed*** information on:

Amendment 152

Proposal for a regulation
Article 17 – paragraph 5 – point a

Text proposed by the Commission	*Amendment*
(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their	(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their

terms and conditions; ***and***	terms and conditions;

Amendment 153

Proposal for a regulation
Article 17 – paragraph 5 – point b

Text proposed by the Commission	*Amendment*
(b) the grounds for imposing such restrictions***.***	(b) the grounds for imposing such restrictions***, and***

Amendment 154

Proposal for a regulation
Article 17 – paragraph 5 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the instances and grounds for refusing to accept the declarations made by any media service providers in accordance with paragraph 1a of this Article.

Amendment 155

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission	*Amendment*
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***may*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***shall*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.

Amendment 156

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms ***stemming from the design or functioning of their service and its related systems,*** and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference ***as well as possible negative effects of these initiatives or of content moderation policies on the freedom and pluralism of the media***. ***Providers of very large online platforms shall engage in the dialogue in good faith and may be invited***

to participate in Board meetings.

Amendment 157

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall report on the results of the dialogue to the Commission. ***The Commission shall take this report into account for its assessment of the compliance of the very large online platforms with their obligations relating to systemic risks mitigation pursuant to Article 35 of the Digital Services Act.***

Amendment 158

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Providers of very large online platforms shall provide the Board with all the necessary information, when requested, for the purpose of the involvement of the Board pursuant to this Regulation.

Amendment 159

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Users shall have a right to easily change the default settings of any device ***or*** user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.	1. Users shall have a right to easily change the default settings of any device***,*** user interface ***and remote control*** controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences ***and*** in compliance with the law. This provision shall not affect national measures implementing Article 7a***,*** of Directive 2010/13/EU. ***Device, hardware or user interface elements that are not directly linked to controlling or accessing audiovisual media services as such shall not be subject to this provision.***

Amendment 160

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When placing the devices ***and*** user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the ***default*** settings ***controlling or managing access to and use of the audiovisual media services offered***.	2. When placing the devices user interfaces ***and remote controls*** referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a ***software-based*** functionality enabling users to freely***, free of costs*** and easily change the settings ***in the meaning of paragraph 1 of this Article***.

Amendment 161

Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission	*Amendment*
	Article 19a
	Right to identify the provider of a media service
	1. Recipients of media services shall have a right to easily identify the media service provider on any device or user interface controlling or managing access to and use of media services.
	2. Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and services offered.

Amendment 162

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***the***	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***either***

operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	***media pluralism or the editorial independence*** of media service providers in the internal market ***or that is likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union*** shall be duly justified and proportionate. Such measures shall be reasoned, ***adequate,*** transparent, objective and non-discriminatory.

Amendment 163

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.	***deleted***

Amendment 164

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for	4. The Board, upon request of the Commission ***or on its own initiative***, shall draw up an opinion where a national legislative, regulatory or administrative measure ***referred to in paragraph 1*** is

media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.	likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available. ***The Board, upon request by a media service provider individually and directly affected by such measure, shall draw up an opinion on the measure.***

Amendment 165

Proposal for a regulation
Article 20 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.	5. Where a national authority or body adopts a measure ***referred to in paragraph 1*** that affects individually and directly ***the operations of*** a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.

Amendment 166

Proposal for a regulation
Article 21 – title

Text proposed by the Commission	*Amendment*
Assessment of ***media*** market concentrations	Assessment of market concentrations

Amendment 167

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Member States shall provide, in their national legal systems, substantive and procedural rules which ensure an assessment of ***media*** market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:	Member States shall provide, in their national legal systems, substantive and procedural rules which ensure an assessment of market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:

Amendment 168

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) require the parties to a ***media*** market concentration that could have a significant impact on media pluralism and	(b) require the parties to a market concentration that could have a significant impact on media pluralism and editorial

editorial independence to notify that concentration in advance to the relevant national authorities or bodies;

independence to notify that concentration in advance to the relevant national authorities or bodies;

Amendment 169

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) ***designate the national regulatory authority or body as responsible for the assessment of the impact of a notifiable concentration on media pluralism and editorial independence or*** ensure the involvement of the national regulatory authority or body in such assessment;	(c) ensure the involvement of the national regulatory authority or body in such assessment;

Amendment 170

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying ***media*** market concentrations that could have a significant impact on media pluralism and editorial independence and for assessing the impact of media market concentrations on media pluralism and editorial independence.	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying market concentrations that could have a significant impact on media pluralism and editorial independence and for assessing the impact of media market concentrations on media pluralism and editorial independence.

Amendment 171

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) take into account the media market in its entirety, including the online environment and very large online platforms.

Amendment 172

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of ***media*** players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses***;***	(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of players ***and services*** on the market, taking into account the online environment***, in particular very large online platforms, public service media, the advertisement market*** and the parties' interests, links or activities in other media or non-media businesses***. To assess the impact of the concentration on media pluralism, a risk assessment shall be conducted to identify, analyse and assess any systemic risks to media freedom and pluralism in the particular Member State. Such assessment shall be specific and***

proportionate.

Amendment 173

Proposal for a regulation
Article 21 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures ***by media service providers taken with a view to guaranteeing the independence of individual editorial decisions***;	(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures ***referred to in Article 6***;

Amendment 174

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission, assisted by the Board, may issue guidelines on the factors to be taken into account when applying the criteria for assessing the impact of ***media*** market concentrations on media pluralism and editorial independence ***by the national regulatory authorities or bodies***.	3. The Commission, assisted by the Board, may issue guidelines on the factors to be taken into account when applying the criteria for assessing the impact of market concentrations ***with a significant impact*** on media pluralism and editorial independence.

Amendment 175

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The national regulatory authority or body ***shall*** consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of a notifiable ***media*** market concentration where such concentrations may affect the functioning of the internal market.	4. The national regulatory authority or body ***may*** consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of a notifiable market concentration where such concentrations may affect the functioning of the internal market.

Amendment 176

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***Within 14 calendar days from the receipt of the consultation referred to in*** paragraph 4, ***the Board*** shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.	5. ***In case the Board is consulted according to*** paragraph 4, ***it*** shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission ***within 14 calendar days from the receipt of the consultation***.

Amendment 177

Proposal for a regulation
Article 21 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The national regulatory authority or body referred to in paragraph 4 ***shall take utmost*** account of the opinion referred to in paragraph 5***. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification explaining its position within 30 calendar days from the receipt of that opinion***. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.	6. The national regulatory authority or body referred to in paragraph 4 ***may take*** account of the opinion referred to in paragraph 5. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.

Amendment 178

Proposal for a regulation
Article 22 – title

Text proposed by the Commission	*Amendment*
Opinions on ***media*** market concentrations	Opinions on market concentrations

Amendment 179

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***In the absence of an assessment or***	1. The Board, ***on its own initiative or***

a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a ***media*** market concentration on media pluralism and editorial independence***,*** where a ***media*** market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring ***media*** market concentrations likely to affect the functioning of the internal market ***for media services*** to the attention of the Commission.

upon request of the Commission, shall draw up an opinion on the impact of a market concentration ***with a significant impact*** on media pluralism and editorial independence where a market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2) ***and the risk assessment concerning systemic risks to media freedom and media pluralism in the particular Member State as referred to in Art. 21 (2) (a)***. The Board may bring market concentrations ***with a significant impact on media pluralism and editorial independence which are*** likely to affect the functioning of the internal market to the attention of the Commission.

Amendment 180

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Opinions by the Board and***, where applicable,*** by the Commission shall be made publicly available.	3. Opinions by the Board and by the Commission shall be made publicly available.

Amendment 181

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, ***comparability,*** impartiality, inclusiveness, proportionality, non-discrimination and verifiability. ***To secure impartiality in measurement, audience measurement systems shall be carried out by independent third parties or self-regulatory bodies.***

Amendment 182

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' ***business*** secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers ***and*** advertisers, as well as to third parties authorised by media service providers ***and*** advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' ***trade*** secrets***, within the meaning of Article 2(1) of Directive (EU) 2016/943***, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers***,*** advertisers, ***and right holders*** as well as to third parties authorised by media service providers***,*** advertisers ***and right holders***, accurate, detailed, comprehensive, intelligible and up-to-date information on the ***data collected and on the*** methodology used by their audience measurement systems***. The methodology and its application shall be audited at least once a year by an independent body. The information must be as granular as the information provided by***

	the rest of the media market, including non-aggregated data. This provision shall not affect the Union's data protection and privacy rules. ***Right holders and media service providers shall have access free of costs to consumption and performance data collected regarding their programs and services.***

Amendment 183

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by*** providers of audience measurement systems, ***together with media service*** providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	3. ***Media service providers, together with*** providers of audience measurement systems, ***online platform*** providers, their representative organisations***, civil society*** and any other interested parties***, shall draw up codes of conduct, with the support of national regulatory authorities or bodies***, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. ***In the drawing up of codes of conduct, special consideration should be given to small media to ensure proper measurements of their audiences.***

Amendment 184

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article.	4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article***, whilst taking into the existing EU-wide and national codes of conduct***.

Amendment 185

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems***, media service providers, providers of online platforms*** and other interested parties.

Amendment 186

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	1. Public funds or any other consideration or advantage granted by public authorities to media service providers ***and providers of online platforms*** for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.

Amendment 187

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Public authorities, including national, federal or regional ***governments***, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national or regional level, or local governments ***of territorial entities of more than 1 million inhabitants,*** shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:	2. Public authorities, including ***at Union,*** national, federal or regional ***level***, regulatory authorities or bodies, as well as state-owned enterprises ***where the State is involved in the everyday business and has influence or control over advertising strategies*** or other state-controlled entities at the national or regional level, or local governments shall make publicly available ***through electronic and user-friendly means,*** accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers ***and providers of online platforms***, which shall include at least the following details:

Amendment 188

Proposal for a regulation
Article 24 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the legal names of media service providers ***from which*** advertising ***services were purchased***;	(a) the legal names of media service providers ***or providers of online platforms that received state*** advertising;

Amendment 189

Proposal for a regulation
Article 24 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the total annual amount spent ***as well as the amounts spent per media service provider.***	(b) the total annual amount spent***;***

Amendment 190

Proposal for a regulation
Article 24 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the amounts spent per media

service provider;

Amendment 191

Proposal for a regulation
Article 24 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Any media service provider or online platform which receives public funds or any other economic advantage for the purposes of advertising from third-countries shall annually submit a report to the national regulatory authority or body which shall include at least the following details:
	(a) the names of the entities granting public funds;
	(b) the total annual amount of the public funds granted
	The information reported according to this paragraph shall be made publicly available by the national regulatory authority or body.

Amendment 192

Proposal for a regulation
Article 25 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) an overview of measures taken by	(c) an overview of measures taken by

media service providers with a view to guaranteeing the independence of ***individual*** editorial decisions.	media service providers with a view to guaranteeing the independence of editorial decisions.

Amendment 193

Proposal for a regulation
Article 26 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Within one year after the entry into application of this Regulation pursuant to Article 28(2), the Commission shall assess the implementation of Article 7. To this end, Members States shall send all relevant information to the Commission upon its request.

Amendment 194

Proposal for a regulation
Article 28 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19(2)*** shall apply from [48 months after the entry into force].	However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19*** shall apply from [48***]*** months after the entry into force].

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities in the preparation of the opinion:

Entity
Alliance de la Presse d'Information Générale
France Télévisions
Association of Commercial Television (ACT)
Coopérative de la presse Magazine
Groupe Bouygues/TF1
Radio France
Autorité de régulation de la communication audiovisuelle et numérique (Arcom)
Eurocinéma
Messageries Lyonnaises de la Presse
Fédération Nationale de la Presse d'information Spécialisée (FNPS)
European Magazine Media Association & European Newspapers Publishers Association (EMMA/ENPA)

News Media Europe
Google/YouTube
The Walt Disney Company
European Broadcasting Union
Société des Auteurs, Compositeurs et Éditeurs de Musique (SACEM)
Vivendi/Canal +

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
References	COM(2022)0457 – C9-0309/2022 – 2022/0277(COD)
Committee responsible Date announced in plenary	CULT 17.10.2022
Opinion by Date announced in plenary	IMCO 17.10.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Geoffroy Didier 23.11.2022
Discussed in committee	28.3.2023 22.5.2023
Date adopted	29.6.2023
Result of final vote	+: 34 –: 4 0: 3
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra

	Basso, Biljana Borzan, Vlad-Marius Botoş, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Francisco Guerreiro, Tsvetelina Penkova, Catharina Rinzema, Kosma Złotowski
Substitutes under Rule 209(7) present for the final vote	Asger Christensen, Nicolás González Casares, Grzegorz Tobiszowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ECR	Eugen Jurzyca
ID	Alessandra Basso, Marco Campomenosi
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoş, Dita Charanzová, Asger Christensen, Catharina Rinzema
S&D	Alex Agius Saliba, Biljana Borzan, Nicolás González Casares, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Francisco Guerreiro, Kim Van Sparrentak

4	-
ECR	Beata Mazurek, Grzegorz Tobiszowski, Kosma Złotowski
PPE	Arba Kokalari

3	0
ID	Virginie Joron
Renew	Svenja Hahn
The Left	Kateřina Konečná

Key to symbols:

+ : in favour
- : against
0 : abstention

20.7.2023

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Culture and Education

on the proposal for a directive of the European Parliament and of the Council Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Rapporteur for opinion (*): Ramona Strugariu

(*) Associated Committee: Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

Media freedom and media pluralism are the backbone of any functioning democracy under the rule of law. In spite of the increasingly important role that media plays in our society, the space for independent journalism, media freedom and media pluralism in Europe has become more and more challenging. Journalists, editors and publishers have been experiencing increasing pressure from the state and its representatives, as well as from powerful business individuals and entities. According to the results of the 2022 Media Pluralism Monitor, the state of market plurality, social inclusiveness and political independence, have all scored a medium to high risk. Finally, challenges and threats to media freedom and media pluralism have started to emerge irrespective of the geographical areas of the Union. This has demonstrated the need for a common European solution.

This Regulation aims to create a better environment for media in the European Union by laying down a set of clear legally binding and legally opposable principles. Rather than aiming to regulate a sector, which has traditionally relied on self-regulation, this Act aims to give media the tools it needs to withstand the pressure and challenges it is currently facing. The amendments submitted by the LIBE rapporteur therefore aim to strengthen the proposal, reinforcing the space for media and allowing citizens to fully exercise their civil rights and liberties guaranteed in our Union.

The Council of Europe through its soft-law and through the jurisprudence of the European Court for Human Rights, has established high standards of protection for the journalists not to be obliged to disclose their sources, unless in presence of a truly exceptional situation. Nevertheless, practice has revealed that in various Member States, these soft-law standards are not observed. Furthermore, recent revelations confirmed public authorities having deployed spyware and surveillance technologies against journalists, in particular for accessing their sources. An adequate level of protection for journalistic sources and a clear ban on the use of spyware or surveillance technologies against journalists, media companies, their families or their professional network is therefore a prerequisite of media freedom and pluralism. The aim is therefore to bring more of the already established soft-law standards to legally binding provisions throughout the Union. Such measures should only be disposed by a judge, in presence of an overriding public interest, in a proportionate manner that balances such infringements on journalists rights and freedom of expression with the need to obtain that information by the public authorities.

Public service media represents a special category within the media landscape because of their proximity to the state authorities. Adequate and predictable levels of funding, allocated through fair, proportionate and transparent procedures, as well as ensuring the independence of their management boards are essential to allowing public service media to serve their information aim and conduct their operations in absence of political or private influence.

As the media market becomes increasingly cross-border and the challenges arising often involve situations relevant to multiple Member States, it is only natural that the current ERGA evolves into an independent European Board for Media Services, able to assess situations that may impact media freedom and media pluralism throughout the Union and its Member States. As national regulatory authorities and bodies do not traditionally have competences over the published press and do not intend to develop their competences in that field, the Board should be assisted by representatives of the self-regulatory bodies and journalistic associations, when its decisions or discussions have an impact on the functioning of this sector. Furthermore, the Board should be able to coordinate national regulatory authorities and bodies in what concerns the measures disposed to counter malign foreign interference against democracy through media service providers established or originating outside the Union, ensuring that such measures have a legal basis, are proportionate and taken in due time.

The increasingly digitalised environment for media as well as the dominance of digital actors on the ability of media to reach consumers have rendered the need to establish a fair level-playing field for the actors active on the internal media market. Journalistic content distributed through the digital means, going through a process of editorial review, should not be suspended by large online players based on their own rules. Prior notifications should therefore be issued to media service providers ahead of content being suspended or deleted and a system of self-declaration should allow media service providers to identify themselves in the relation with online gatekeepers.

Another aspect that creates challenges to the space for media and distorts the internal media market is represented by market concentration that significantly impacts media pluralism. Media market concentration should not always be regarded as negative, allowing smaller media outlets to pull resources together and ensure economic sustainability. Nevertheless, when they affect editorial independence and media pluralism, this has negative consequences both on the internal market, as on the state of the rule of law and democracy. It is therefore

essential that they are independently assessed in order to prevent negative consequences to media freedom and media pluralism. Such assessments should be made taking into consideration the entirety of the media market, comprising the online sphere, while also referring to the results of the annual Commission Rule of Law Report or of risk assessment instruments such as the Media Pluralism Monitor.

Finally, an aspect that has great potential in distorting competition on the media market and in enhancing the vulnerabilities of media actors is state advertising. The unfair, disproportionate and biased use of state advertising gives certain players an unfair advantage on the market and forces other to leave it, contributing to a restricted presentation of information for the citizens. Recent emergency situations have proven that allocations related to the transmission of emergency messages in critical situations such as the COVID-19 pandemic can have a similar effect. All such allocations of public resources should be transparent, proportionate, fair and impartial.

The Media Freedom Act aims to ensure a safe and fair environment for media to operate. Through the amendments tabled, the LIBE rapporteur aims to strengthen this space by setting high standards in what concerns the protection of journalists against the disclosure of their sources and against the deployment of spyware and surveillance technologies. The ultimate aim of these amendments is to equip media workers with the right tools allowing them to counter external influence and pressure, whether this is political, exercised by state bodies and representatives, or private, exercised by powerful business individuals and entities. An optimal space for media cannot exist in the absence of clear rules concerning media ownership transparency, the fair distribution of state resources, a level-playing field in the relationship with online players such as platforms or in absence of legally binding principles setting minimum standards of protection across the Union. The rapporteur aims to encourage media to foster common self-regulatory standards in what concerns the guarantees for editorial independence and the production of trustworthy information. Media freedom and media pluralism are the ultimate guarantee of a free and democratic society that is based on

the rule of law and where citizens can exercise their civil rights and freedoms. It is only by enhancing these aspects that the society based on the values of our Union can remain strong and resilient, especially in light of current and upcoming domestic and international challenges.

Dissenting position

The rapporteur takes note that at the end of the vote in LIBE, ECR shadow rapporteur MEP Cristian Terheş expressed the following dissenting position:

"As the ECR shadow rapporteur and LIBE Member, I hereby present a dissenting opinion on the LIBE Draft Opinion concerning the European Media Freedom Act Regulation:

The primary reason for dissent is that this would mark the first EU legislative act that enables surveillance on journalists and media service providers. This Regulation should have aimed to protect journalists from surveillance rather than facilitate it. The dangerous precedent set forth will have unforeseeable adverse effects on democracy and freedom of speech throughout the EU.

Additionally, the draft opinion regulates excessively in an area where self-regulation should be the standard. This Regulation creates an excessive amount of bureaucracy and administrative tasks for a profession that, by its very nature, is governed by freedom.

Finally, this Regulation establishes numerous institutional layers to oversee media service providers, which will undermine the freedom of the press and journalists. While governments and political coalitions may change, the freedom of the media must be safeguarded regardless of who holds power at any given moment. Journalists must be able to scrutinize public life without requiring prior approval from any authority to exercise their profession. Liberty and democracy in the EU depend on a free, not surveilled press!"

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Culture and Education, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of 'public watchdog'. Media services are increasingly available online and across borders ***while*** they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest ***and the*** function of 'public watchdog'***, therefore ensuring their acces to relevant information is an essential element***. Media services are increasingly available online and ***subject to ever more intense marketisation. They are also increasingly available*** across borders ***and*** they are not subject to the same rules and the same level of protection in different Member States.

Amendment 2

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or 'internal media market'). ***This market*** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.	(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or 'internal media market'). ***While the scope of this Regulation is limited to the regulation of the internal*** market ***features of media services, it should be noted that the protection of media freedom and pluralism is a prerequisite for functional democracy. The environment for media services*** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

Amendment 3

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their	(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their

personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services ***and*** amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.

personal devices, increasingly in a cross-border setting***, as new technologies and applications render media content easily accessible even to users who do not speak the language in which the content was produced***. Global online platforms ***and online search engines*** act as gateways to media content, with business models that tend to disintermediate access to media services ***tend to*** amplify polarising content and disinformation***. Moreover online platforms are structured to facilitate instantaneous feedback loops in order to drive constant engagement, which facilitates more rapid and deeper polarisation than traditional media***. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important. ***Furthermore, the decrease in funding from advertising available to traditional media has accelerated the decline of quality journalism. Notwithstanding the fact that media is considered as a crucial pillar of democracy, Member States governments have not in any substantial way stepped in to make funding available on a no-strings-attached basis to traditional media to support quality investigative or other journalism.***

Amendment 4

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) A free and well-functioning internal market for media services is also an essential pillar of a functioning democracy, by providing access to a plurality of views and trustworthy sources of information to the consumers. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a true European market for media services. In this environment, media content is not only available but also easily accessible to European consumers irrespective of their Member State of origin. Media content created for consumers in one Member State is able to reach far further than initially intended. The ability of media service providers to operate in a fair level-playing field environment in order to make news and current affairs information available to the European citizens is hampered by divergent approaches at national level. These approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media companies and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that European consumers have access to a broad range of reliable sources of information and to quality journalism as public goods in order to

make informed choices, including about the state of their democracies.

Amendment 5

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5 b) The right to freedom of expression and information, enshrined in Article 11 of the Charter and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information as well as the freedom and pluralism of the media. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights (ECHR) and builds upon the standards developed by the Council of Europe in this regard.

Amendment 6

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) ***Recipients of media services in the*** Union ***(***natural persons who ***are nationals of Member States or*** benefit from rights conferred upon them by Union law and legal persons established in the Union***)***	(6) Union ***citizens or*** natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union should be able to effectively enjoy the freedom to ***have***

should be able to effectively enjoy the freedom to ***receive*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .

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[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

access to independent, free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .

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[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Amendment 7

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6 a) The media environment is undergoing major and fast changes. In this regard, the role of the media in a democratic society has not changed, but media have additional tools to facilitate interaction and engagement. Media-

related policy must take these and future developments into account. Therefore, this Regulation should adopt a broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks), while retaining (in all these cases) editorial responsibility or oversight of the contents. Such a notion should include, but not be limited to print media, broadcast media, non-linear audiovisual media, online newspapers, news websites, online news portals, online news archives, print and online publishers, journalists, including those in non-standard forms of employment such as free-lancing and independent journalism other public watchdogs reporting on matters of public interest.

Amendment 8

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should	(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity***, for which normally***

exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.*** Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

remuneration is provided also including non-standard forms of employment, such as free-lancing and independent journalism. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Amendment 9

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role ***in the*** content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over	(8) In the digitalised media market, providers of video-sharing platforms***,*** or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role ***in*** content organisation, including by automated means or algorithms, but ***claim they*** do not exercise editorial

the content to which they provide access. However, ***in the increasingly convergent media environment, some*** providers of video-sharing platforms or very large online platforms ***have started to*** exercise editorial control over ***a section or sections of*** their services. Therefore, ***such an entity*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	responsibility over the content to which they provide access. However, ***many*** providers of video-sharing platforms or very large online platforms exercise editorial control over their services. Therefore, ***when such entities exercise editorial control, whether via algorithm or otherwise, they*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 10

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8 a) On the other hand, online platform's capacity to offer content without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition.

Amendment 11

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. ***Systems developed outside of commonly agreed industry standards should be considered proprietary audience measurment systems.*** Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. ***Media service providers which abide by the commonly agreed industry standards shall not be considered as providers of proprietary audience measurement systems.***

Amendment 12

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants***. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals***.***	(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including ***European Union institutions or bodies,*** governments, regulatory authorities or bodies ***, political parties receiving public funding,*** as well as state-owned enterprises or other state-controlled entities in different sectors, at national***,*** regional, or local ***level***. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals

Amendment 13

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission	*Amendment*
	(10 a) Emergency messages by public authorities should be understood broadly as different from state advertising and should refer to messages or information campaigns conducted by the public authorities in emergency situations such as cases of natural or sanitary disasters, accidents or any other sudden incidents or critical situations that can cause harm to

	individuals. Such messages may be conducted on behalf of a wide variety of public authorities or entities, including central or local governmental institutions, regulatory authorities or bodies, as well as state owned or state controlled enterprises and entities in different sectors, at national, regional or local level.

Amendment 14

Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission	*Amendment*
	(10 b) For the purposes of allocation of state advertising and other financial support including in cases of natural or sanitary disasters, accidents or other unforeseen, major incidents that can cause harm to significant portions of the population, criteria should be laid down in advance by national law. Such emergency messages should not be exempted from transparency obligations. Besides, state advertising is only one form of financial support for media that may include also direct subsidies in the form of direct state support awarded to media service providers, tax advantages, reductions to taxes or full tax exemptions for the media sector, state advertising, project-based support schemes funding covering specific needs of media outlets, such as training and skills development, upgrade of technology or facilities, or restructuring processes.

Amendment 15
Proposal for a regulation
Recital 10 c (new)

Text proposed by the Commission	*Amendment*
	(10 c)Spyware should be understood as covering all forms of malicious software that spy on user's activities without their knowledge or consent, such as keylogging, activity monitoring and data collections, secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, as well as other forms of data theft, including through impersonating the targeted person by gaining access to their digital credentials and identity. The deployment of spyware leaves few or no traces on the target's device, and even in cases where it is detected, it is difficult to prove who was responsible for the attack.

Amendment 16

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In order to ensure that society reaps the benefits of the internal media market,	(11) In order to ensure that society reaps the benefits of the internal media market,

it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. ***Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.*** Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.	it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists***, editors-in-chief*** and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Amendment 17

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence ***is especially important for media service providers providing news and current affairs content given its societal role as a public good.*** Media service providers should be able to exercise their ***economic*** activities freely in the internal market and compete on equal footing in an increasingly online	(14) ***Information of general interest is a public good.*** The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. ***In order to guarantee an independent and pluralistic media it is of key importance to put in place the necessary measures to create a safe environment that allows journalists to exercise*** editorial independence***. Journalists, including freelancers and self-employed journalists,***

environment where information flows across borders.

as well as other media service providers should be able to exercise their activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment 18

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Member States have taken different approaches to the protection of editorial independence, which ***is increasingly*** challenged across the Union. In particular, there is ***growing interference with*** editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content.	(15) Member States have taken different approaches to the protection of editorial independence, which ***has been*** challenged ***for many years*** across the Union. In particular, there is ***longstanding pressure on*** editorial decisions of media service providers in several Member States. Such interference ***represents an infringement of the rule of law and*** can be direct or indirect, from the State or other actors, ***Union and its institutions and agencies,*** including ***business representatives,*** public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online

Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

Amendment 19

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) According to the Council of Europe Resolution 1003 (1993), on Ethics of journalism, inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. These requirements are such that it is necessary to reinforce the safeguards of the journalist's freedom of expression, for

they must in the last instance operate as the ultimate sources of information. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal pressures guarded against.

Amendment 20

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) Journalists and editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection ***of*** journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their ***economic*** activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***contributes to*** the protection of the fundamental right enshrined in Article 11	(16) Journalists, ***editors-in-chief,*** editors***, and media workers*** are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers***, media workers*** and journalists (including those operating in non-standard forms of employment, such as freelancers ***and bloggers***) should be able to rely on a robust protection***s for*** journalistic sources and communications, including against ***arbitrary interferences and*** deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' ***and media workers'*** freedom ***of expression and capacity*** to exercise their activity and ***to*** fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively

of the Charter.	access to quality media services. The protection of journalistic sources ***is a precondition for*** the protection of the fundamental right enshrined in Article 11 of the Charter ***and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies***.

Amendment 21

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16 a) Upholding the rule of law in the Union is essential for the functioning of healthy democracies in the Member States. Union instruments for this purpose have expanded to include besides the Article 7 TEU procedure, new frameworks such as the Commission Annual Rule of Law Report and Regulation 2020/2092. The functionality of rule of law systems is directly interlinked with a free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and their state is examined annually through the framework of the Commission annual Rule of Law Report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as those referred to in

Article 4.2 of this Regulation severely damage the rule of law and therefore should be considered breaches of the principles of the rule of law, thus triggering sanctioning mechanisms provided for by Union law under the abovementioned frameworks.

Amendment 22

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(16 b) Surveillance methods deployed against journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques might gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation should therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Spyware which grant full unlimited access to personal

data, including sensitive data, on a device could affect the very essence of the right to privacy.

Amendment 23

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. As a result, journalists, ***which*** work increasingly on cross-border projects and provide ***their services*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.	(17) The protection of journalistic sources ***and communication*** is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, which ***who*** work increasingly on cross-border projects and provide ***information*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic

sources and communications needs harmonisation and further strengthening at Union level***, without weakening the current protection in any Member State and building up from already established soft law by the Council of Europe and the European Court of Human Rights, in accordance with Article 52(1) of the Charter and in compliance with other Union Law***. ***In order to offer an adequate protection to journalistic sources, measures disposing interference with journalistic sources should be, ex ante, ordered exclusively by an independent and impartial judicial authority. Such measures should only be ordered at the request of an individual or body with a direct legitimate interest, and who has exhausted all reasonable alternatives to protect that interest, only if there is an overriding requirement in the public interest provided for in national law, the information sought is essential for investigations of serious crimes, there are no other alternatives for obtaining the information sought and the interference with journalists' rights is proportionate and prescribed by law. The interest in interfering with journalistic sources should always be balanced against the harm to freedom of expression and information. Any such measures should be subject to appeal in a court. Journalists working on cross-border projects should benefit from the highest protection standards of the Member States involved. The protection of journalistic sources and communications should correspond, as minimum, to the protection as provided in accordance with international and European standards as well as the case law from the CJEU and the ECtHR.***

Amendment 24

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) An independent authority or body designated to handle complaints lodged by media service providers or, if applicable, their family members, their employees (including those operating in non-standard forms of employment such as free-lancers and self-employed) or their family members, should be protected from any direct or indirect external influence. Such authority or body should have the necessary financial resources and relevant expertise, given the highly technical nature and sophistication of the surveillance measures. Furthermore, it should cooperate with other relevant supervisory authorities, such as data protection authorities, each acting within their respective areas of competence.

Amendment 25

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to

quality information ***and*** impartial media coverage, as part of their ***mission***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning***. Preferably,*** such funding should be decided and appropriated on a multi-year basis, in line with the public service ***mission*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

universal and varied offers including quality information ***, pluralistic*** impartial ***and independent*** media coverage, as part of their ***remit. They provide a forum for public discussion and a means of promoting broader democratic participation of individuals. That is why, media pluralism can only be guaranteed by a proper political balance in the content of public service media***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive***, which may expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their very existence***. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services***. Furthermore, in the absence of harmonised minimum standards, Member States have taken divergent measures that resulted in the fragmentation of the internal media market. This fragmentation may create legal uncertainty and an unfair level playing-field deterring private media services providers from entering the market***. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and

stable funding to fulfil their ***remit*** that enables predictability in their planning ***and allows them to maintain a competitive position on the internal media market.*** Such funding should be decided and appropriated on ***the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on*** a multi-year basis ***and determined according to transparent and objective criteria***, in line with the public service ***remit*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The ***absence of harmonisation in what concerns the allocation of finances to public service media providers may create an unfair advantage for certain players in the internal media market, including advertisers and thus produce significant distortions to the internal media market.*** The requirements laid down in this Regulation do not affect the ***application of the State aid rules as applied on a case-by-case basis or the*** competence of Member States to ***define a broad and dynamic remit, organise and*** provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Amendment 26

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the ***news*** media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ***Such*** transparency is also an effective tool to limit risks of interference with editorial independence. It is ***thus*** necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849[49] should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.	(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ***It is thus important for media service providers to disclose its sources of funding by making publicly available information regarding advertisers, sponsors, large donors or the provision of political advertising services, which in addition to*** transparency ***of ownership measures*** is also an effective tool to limit risks of interference with editorial independence. It is necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information***, as well as information on advertisers, sponsors, large donors or the provision of political advertising services, including the information on their parent and sister companies and details, if applicable, of their contracts with state bodies***. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 [49] should not be affected. The required information ***for transparency of media ownership*** should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible. ***Establishing a National Repository of Media Ownership operated by national regulatory authorities or bodies, as well as a European Repository of Media Ownership operated by the European Board of Media Services should***

	further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services.
_____	_____
[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).	[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Amendment 27

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19 a) Transparency of media ownership is the precondition to a fuller understanding of media ownership in Europe and makes media pluralism effective. A media ownership database serves as a one stop shop for citizens and other stakeholders with information mapping the ownership structures in the market and constitutes a valuable resource for citizens and a wide range of stakeholders, but collecting such information in a comprehensive manner remains a challenge. Therefore, Member States and the Board actively participate

in information gathering, updating and dissemination activities relating to media-ownership issues.

Amendment 28

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, once the overall editorial line has been agreed between their owners ***and*** editors, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield ***editors*** from undue interference ***in their decisions taken on specific pieces of content as part of their everyday work*** contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.	(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt ***the*** proportionate measures ***they deem appropriate, in a self-regulatory manner,*** to guarantee, once the overall editorial line has been agreed between their owners***, relevant stakeholders such as publishers,*** editors ***and editors-in-chief***, the freedom of the editors to take individual decisions in the course of their professional activity. ***This should be done without prejudice to the possibility for owners or legally liable entities to consult with editors and editors-in-chief, in the process of taking the editorial decisions. In order to guarantee editorial independence, no owner or other corporate manager should unduly interfere with the work of editors and editors-in-chief such as by imposing to add or remove content before it is made available to the public.*** The objective to shield ***editorial decisions*** from undue interference ***from owners or other company management*** contributes to ensuring a level playing field in the internal

market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest ***, including in particular business interests and political affiliations,*** to their service recipients. ***This should not affect the right of the owner to also hold a controlling editorial position, to set and change an editorial line and to determine the staffing and organisation of editorial teams.***

Amendment 29

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) ***To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[50] should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover,*** media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation[51] provides a catalogue of	(21) Media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation [51] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises

voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.	that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.
_____	_____
[50] ***Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).***	[50] ***deleted***
[51] OJ C , , p. .	[51] OJ C , , p. .

Amendment 30

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the	(22) Independent national regulatory authorities or bodies are key for ***media pluralism and media freedom and*** the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive

correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation***. They are the primary enforcers and guardians of media freedom and pluralism at the national level. As independent regulatory authorities, they should be able to set their own priorities guided by the general interest of safeguarding media pluralism and freedom and decide independently about the allocation of their resources. Their decisions should respect the European Charter of Fundamental Rights, in particular Article 11 thereof***. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. ***Considering that press publications are traditionally not subject to regulatory oversight, the interaction between press publications and national regulatory authorities sitting in the Board, should be***

	strictly limited to the purpose of implementing Chapter III of this Regulation. "Media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.

Amendment 31

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission	*Amendment*
	(22 a) Given the importance and the extensive nature of the new tasks conferred by this Regulation to independent national regulatory authorities or bodies, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the NRA should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over

the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organisation, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, NRAs should have allocated a separated annual budget. Member states should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the NRAs should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public.

Amendment 32

Proposal for a regulation
Recital 22 b (new)

Text proposed by the Commission	*Amendment*
	(22 b) National regulatory authorities or bodies established in accordance with Directive 2010/13/EU uphold a media ownership database in order to ensure the public interest because the media helps form public opinion and has direct influence on the

outcome of elections. The Commission provides guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Amendment 33

Proposal for a regulation
Recital 22 c (new)

Text proposed by the Commission	*Amendment*
	(22 c) Where there is lack of certainty in the information provided, raised by national regulatory authorities or bodies, or experts, representatives of civil society or journalistic organisations, the Board may request further information from media service providers, including on any possible influence on its operation, general editorial line and strategic decision-making from advertisers, sponsors, donors of private or commercial nature or political parties providing remuneration or financial resources to the media service provider.

Amendment 34

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, ***in agreement with the Commission,*** experts and observers, ***including*** in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.	(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies ***or, where applicable, a common representative of self-regulatory or co-regulatory systems*** to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, experts and observers, ***established within the Union. When such experts are established outside the Union and include*** in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities***, such decisions should be taken only in agreement with the Commission***. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes. ***The Board should be represented by a Chair and four Vice-Chairs. The election of the Chair and***

Vice-Chairs should take into account the principle of geographical balance.

Amendment 35

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23 a) Taking into account that the members of the Board are representatives of national audiovisual regulatory authorities and bodies and considering that press publications and the audio sector are traditionally not subject to regulatory oversight, when its discussions or decisions concern the non-audiovisual media sector, the Board should consult and take advice from an independent body of experts, representing the non-audiovisual media sector. For this purpose, the Board should establish the Non-Audiovisual Media Expert Group. The Expert Group should entail a number of non-audiovisual media experts to be laid down in the Board Rules of Procedure. The Expert Group should entail members from every Member State as well as a number of representatives from the European media sector organisations. Such representatives should be members of self-regulatory bodies, media-sector civil society or journalistic organisations, or other relevant stakeholders for the media sector such as publishers, advertisers, or academics.

Amendment 36

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***in agreement with the Commission or upon its*** request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***a*** secretariat ***provided by the Commission. The Commission*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.	(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***at its own initiative, upon the Commission's*** request ***, or at the request of the European Parliament*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***an independent*** secretariat***. The*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks. ***The secretariat should be provided with sufficient budgetary and human resources. The Board should have the expertise and resources necessary to provide its opinion in cases where it finds that media freedom and pluralism, or editorial independence are systematically undermined in a Member State either by***

national measures of the respective Member State or decisions of its National Regulatory Authority or body, or due to other reasons. In its opinions the Board should take due account of various sources of information, in particular the decisions of the respective National Regulatory Authority or body, submissions by civil society organisations and other available sources including the results of the Commission Annual Rule of Law Report or ofmedia pluralism monitoring instruments. In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, and without prejudice to the competences of the Member States and the institutions of the Union, the Board, in consultation with the Commission, might cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations. To that end, the Board might, subject to prior approval by the Commission, establish working arrangements.

Amendment 37

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of	(26) ***The European Regulators' Group for Audiovisual Media Services adopted in 2020 a Memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of***

additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order to ensure the ***comprehensive and*** effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

Amendment 38

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the	(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular***, and without prejudice to the country-of-origin principle***, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another

conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.

Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council [53] are met and following the procedure set out therein.

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[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

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[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

Amendment 39

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring ***a consistent regulatory practice regarding*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view	(28) Ensuring ***an effective application of*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of

of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ***It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.***

information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field.

Amendment 40

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively	(30) ***National*** regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively

balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the ***Union*** that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the ***coordination*** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, ***in agreement with the Commission,*** to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty

balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established ***or originating from, funded or owned by state and non-state actors from*** outside the ***EU but under jurisdiction of an EU Member State through the Directive 2010/13/EU satellite criteria or established in the EU) irrespective of the means of distribution or access,*** that target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to ***national and*** public security and defence***, public health, incite to violence, hatred or promote terrorist activities, including committing terrorist acts***. In this regard, the ***cooperation*** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter ***national and*** public security and defence threats by media services established ***or originating***

on the Functioning of the European Union.	***from, funded or owned by state and non-state actors from*** outside of the Union and targeting audiences in the Union, including the possibility for the Board, to issue opinions on such measures***, at its own initiative or at the request of a national regulatory authority***, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 41

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission	*Amendment*
	(30 a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent

national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 42

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission	*Amendment*
	(30 b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and in line with international and European standards, therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Amendment 43

Proposal for a regulation
Recital 30 c (new)

Text proposed by the Commission	*Amendment*
	(30 c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the media service providers established or originating from, funded or owned by state and non-state actors from outside the Union and the service provided. These criteria should be used by national regulatory authorities or bodies when a media service provider originating from outside of the Union seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, appears to pose serious and grave risks to national security and defence. The criteria should inter alia cover content, ownership, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanism governing editorial standards in one or more Member States. These criteria should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Amendment 44

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***or*** self-regulatory ***requirements*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content ***provided*** by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of ***Regulation (EU) 2022/XXX [the Digital Services Act]***, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should ***endeavour to*** submit the	(31) Very large online platforms act for many users as a gateway for access to media services***, in particular when providing access to news and current affairs information***. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***requirements and*** self-regulatory ***commitments*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms ***providing access to news and current affairs information*** consider that content ***uploaded*** by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of ***Regulation 2022/2065 of the European Parliament and of the Council[1a]***, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/2065*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the

statement of reasons ***prior to the restriction taking effect*** without prejudice to their obligations under Regulation (EU) ***2022/XXX [the Digital Services Act]***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/XXX [the Digital Services Act]***.

Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should submit the ***detailed*** statement of reasons ***without undue delay and*** without prejudice to their obligations under Regulation (EU) ***2022/2065***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/2065***.

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[1a] [1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

Amendment 45

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom	(32) It is furthermore justified, in view of an expected positive impact on freedom

to provide services and freedom of expression, that ***where*** media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.	to provide services and freedom of expression, that ***complaints against unjustified removals of content made by representative bodies of*** media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay***, in accordance with Regulation (EU) 2022/2065***.

Amendment 46

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission ***may*** be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and	(33) To this end, providers of very large online platforms ***and very large online search engines, which provide access to news and current affairs information,*** should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. ***Media service providers should have the possibility to appeal against the refusal of*** providers of very large online platforms ***or very large online search engines to accept their declaration. Providers of very large online platforms and very large search engines*** may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative***, the recognition of audiovisual media service providers by***

address any potential abuse of the functionality.	***national regulatory authorities, self-regulation mechanisms*** or other relevant codes of conduct. Guidelines ***issued*** by the Commission ***, under the form of a delegated act, should*** be useful to facilitate an effective implementation of such functionality, including on ***the template of the self declaration, the*** modalities of involvement of relevant civil society ***or self-regulatory*** organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 47

Proposal for a regulation
Recital 34 a (new)

Text proposed by the Commission	*Amendment*
	(34 a) Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from taking measures such as down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law.

Amendment 48

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers ***that respect standards of credibility and transparency and that consider that restrictions on their*** content ***are frequently imposed by providers of very large online platforms without sufficient grounds***, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers ***where audits undertaken pursuant to Article 37 of Regulation (EU) 2022/2065 demonstrate that a VLOP's*** content ***moderation practices are negatively impacting freedom and pluralism of the media***, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms ***and very large online search engines*** should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Amendment 49

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms***,*** representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large

online platforms***,*** discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor ***adherence to*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/XXX [Digital Services Act]*** and may ask the Board to support it to this effect.

online platforms discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor ***compliance with*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/2065*** and may ask the Board to support it to this effect. ***The results of the dialogue should be made available to the European Parliament upon its request.***

Amendment 50

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts,	(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to ***their preferences customise and easily access*** their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices ***, such as remote controls,*** or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions , ***connected cars, smart speakers*** and media service providers.

applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to ***change***, in a simple and user-friendly manner, the default ***settings*** of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.	Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to ***customise,*** in a simple and user-friendly manner, the default ***layout*** of a device or user interface controlling ***such as a remote control or the home screen*** and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

Amendment 51

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37 a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or on-line platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to

understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Amendment 52

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can ***negatively*** affect ***the operation*** of media service providers in the internal market***. They include***, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***; they also include decisions*** related to licensing, authorisation or prior notification for media service providers. In order to ***mitigate their potential negative impact on the functioning of the internal market for media services and*** enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.	(38) Different legislative, regulatory or administrative measures can affect ***and restrict the media pluralism and editorial independence by restricting the possibility*** of media service providers in the internal market ***to provide access to a plurality of views and to reliable sources of information. Such measures can take various forms***, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***, the disproportionate or distorted implementation at national level of minimum requirements foreseen in Directive 2010/13/EU, which can create new barriers or obstacles in the internal market, or*** decisions related to licensing, authorisation or prior notification for media service providers. In order to

enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Amendment 53

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, ***or when the concerned*** media service provider ***has a significant influence on the formation of public opinion in that*** Member State.	(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, ***when it is preventing a*** media service provider ***established in one Member State from providing media services in another*** Member State. ***Any media service provider considering to be directly affected by such a measure should be able to request the Board to issue an opinion on such measures.***

Amendment 54

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) Media play a decisive role in shaping public opinion and ***helping citizens participate in*** democratic ***processes***. This is why Member States should provide for rules and procedures in their legal systems to ensure ***assessment of media market*** concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.	(40) Media play a decisive role in shaping public opinion and ***can contribute to a*** democratic ***public sphere, when well-functioning and living up to normative standards, including as regards topic selection. Moreover, providers of very large online platforms and of very large online search engines play a significant role in the access to information and in the presentation of this information to the consumers. Concentration of ownership of the media system can create an environment favouring the monopolisation of the advertising market, introduce barriers to the entry of new market players and also lead to uniformity of media content***. This is why Member States should provide for rules and procedures in their legal systems to ensure ***ex-ante and ex-post quality assessments of*** concentrations ***affecting the media market*** that could have a significant impact on media pluralism or editorial independence***, in its entirety, including the providers of very large online platforms and very large online search engines, as well as public service media, including existing concentrations at the time of entry into force of this Regulation***. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public

opinion in a given media market, ***including by means of carrying content provided by media service providers or by controlling access and visibility to such content,*** within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction ***in access to a variety*** views within that market as a result of the concentration. ***Therefore, taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism. A detailed assessment of such media market concentrations capable of distorting media pluralism and competition should always be made by the competent national regulatory authorities or other bodies without any political interference.***

Amendment 55

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of ***the impact of*** media market ***concentrations*** on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order	(41) National regulatory authorities or bodies, ***as well as press self-regulatory bodies or civil society organisations*** who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of ***concentrations affecting*** media market ***that could have an impact*** on media

to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.

pluralism and editorial independence ***including existing concentrations at the time of entry into force of this Regulation,*** where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.

Amendment 56

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessment of the impact of media market*** concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of	(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessments of*** concentrations ***affecting the media market that could have an impact*** on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third

Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

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[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

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[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

Amendment 57

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) The Board should ***be empowered to*** provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***where the notifiable*** concentrations ***may affect the functioning of the internal*** media market***. This would be the case, for example, where such*** concentrations ***involve at least one undertaking established in another Member State or operating in more than one Member State or result in*** media ***service providers having a significant influence on formation of public opinion in a given media market***. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a	(43) The Board should provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***at its own initiative, or upon request, and conduct assessments of*** concentrations ***affecting the*** media market ***that could have a significant impact on media pluralism and editorial independence, including existing*** concentrations ***at the entry into force of the present Regulation. Democratic processes across the EU are rooted in national*** media ***markets, whereas national democratic processes spill over to EU level governance. Accordingly, it is necessary to have appropriate measures to enforce and protect democratic processes both at national and EU level***. Moreover, ***the Board should provide an assessment*** where the concentration has not been assessed for its impact on media

given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, ***at its own initiative or if the Board agrees*** upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 58

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner,	(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria ***as well as the criteria that should take precedence or prevail in case of conflicts***. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the

management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.	examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***Furthermore, the results of the annual Commission Rule of Law report presented in the chapters on press freedom as well as the risk assessment made annually by instruments such as the Media Pluralism Monitor and any country specific recommendations on media pluralism and media freedom should be considered in determining the overall climate for media and the effects of the concentration in question over media pluralism and editorial independence, under these specific conditions.*** In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment 59

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.	(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production***, buying, planning or selling*** of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions ***, which should be in compliance with EU data protection and privacy rules***. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment 60

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to enhance the verifiability and reliability of audience measurement	(46) In order to enhance the verifiability***, comparability*** and reliability of audience

methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested ***and to the extent possible***, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/XX*** [Digital Markets Act], including those concerning ranking or self-preferencing.	measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to ***audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights read in conjunction with Regulation 2016/679 (General Data Protection Regulation) as well as to*** any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/1925*** [Digital Markets Act], including those concerning ranking or self-preferencing.

Amendment 61

Proposal for a regulation
Recital 47

Text proposed by the Commission	*Amendment*
(47) Codes of conduct, drawn up either	(47) Codes of conduct, drawn up either

by the providers of audience measurement systems or by organisations or associations representing them, can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders ***and notably media service providers***, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

by the providers of audience measurement systems or by organisations or associations representing them, ***together with media service providers and/or their representatives, civil society organisations and other relevant stakeholders*** can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry ***with the support of national regulatory authorities or bodies*** to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders ***mentioned above***, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment 62

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) ***State*** advertising ***is*** an important source of revenue for many media service providers, ***contributing*** to their economic	(48) ***Public*** advertising***, financed by public funds, including national governments funding or European Union***

sustainability. ***Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market.*** Moreover, ***State*** advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services ***and fundamental rights***. Opaque and biased allocation of ***state*** advertising is therefore a powerful tool to exert influence or 'capture' media service providers. The distribution and transparency of ***state*** advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, ***however, may not cover all state advertising expenditure nor*** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on ***state*** advertising, where they exist, diverge significantly from one Member State to another.

funding distributed by Member States for the purpose of implementing communication plans as part of EU Operational Programmes or EU Cohesion Policy Programmes and other state financial support are an important source of revenue for many media service providers, ***including for providers of very large online platforms and very large online search engines, and contribute*** to their economic sustainability. Moreover, ***public*** advertising ***and other state financial support*** may make media service providers vulnerable to undue state influence to the detriment of ***fundamental rights and*** the freedom to provide services. Opaque and biased allocation of ***public*** advertising ***and other state financial support*** is therefore a powerful tool to exert influence or 'capture' media service providers. ***Furthermore, the unfair allocation of state advertising creates disruptions in the internal media market, creates an unfair level-playing field and deters players on the market to either enter it or to continue their operations in a particular Member State. This is why, in order to address such situations, state advertising allocations directed by a public authority, state-controlled or state-owned enterprise to a single media service provider or provider of a very large online platform or very large online search engine should not exceed 20% of the total budget allocated to state advertising by the said public authority, state-owned or state- controlled enterprise.*** The distribution and transparency of state ***public*** advertising ***and other state financial support*** are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, ***do not*** offer sufficient protection against preferential or biased

	distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council [56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on ***public*** advertising ***or other state financial support***, where they exist, diverge significantly from one Member State to another.
_____	_____
[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).	[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Amendment 63

Proposal for a regulation
Recital 48 a (new)

Text proposed by the Commission	*Amendment*
	(48 a) Emergency measures by public authorities are a necessary form of informing the general public about the risks in case of a sanitary or natural disaster, accidents, other sudden incidents or critical situations that may cause harm to individuals. Crisis situations have a great potential of creating new or enhancing existing vulnerabilities in the media sector. Thus, the allocation of state funding through the transmission of emergency messages by public authorities is essential to the

economic viability of media service providers. In this context, the allocation of state resources for transmitting emergency messages may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Unfair, opaque disproportionate and biased allocations in this regard create unfair advantages for certain players on the market and distort competition, deterring new players from joining the market or determining others to leave the market in a certain Member State. The fair, transparent, proportionate, independent and predictable allocation of such state funding is therefore essential for the well-functioning of the internal market, also having implications on media freedom and the fundamental rights of individuals, including on the right to information. Crises are becoming increasingly cross-border, while rules on such allocations differ from one Member State to another, creating fragmentation and legal uncertainty in the market. Therefore, such allocations should in principle follow the same harmonised rules as those for state advertising, as detailed in this Regulation. Nevertheless, recognising the urgency to take measures during a crisis period, special provisions should apply, allowing state authorities, state-owned or state-controlled companies and entities to comply with reporting obligations once the crisis situation has ended.

Amendment 64

Proposal for a regulation
Recital 49

Text proposed by the Commission	*Amendment*
(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is ***necessary to establish common requirements*** of transparency, objectivity, proportionality and non-discrimination in the allocation of ***state*** advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, ***including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent***. It is important that Member States make the necessary information related to ***state*** advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.	(49) ***Providers of online platforms are increasingly competing with media service providers for the purpose of state advertising and other financial support.*** In order to ensure undistorted competition between media service providers ***and providers of online platforms*** and to avoid the risk of covert subsidies and of undue political influence on the media, ***and on online platforms,*** it is ***of particular importance that fair and transparent rules on the criteria for the allocation of state financial support and state advertising are in place, as well as them being effectively implemented. These criteria should follow principles*** of transparency, objectivity, proportionality and non-discrimination in the allocation of ***public*** advertising***, emergency messages by public authorities*** and of state ***and European Union*** resources to media service providers ***and of providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising, ***or funding for transmitting emergency messages by public authorities***. It is important that Member States make the necessary information ***including beneficiaries and amounts spent,*** related to state ***public*** advertising ***and other state financial support*** publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. ***Establishing a European Repository of Public Funding for Advertising operated by the European Board of Media Services should further***

strengthen and guarantee the accessibility and uniformity of the information on public advertising for recipients of media services. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 65

Proposal for a regulation
Recital 50

Text proposed by the Commission	*Amendment*
(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level ***and risks of foreign information manipulation and interference***. It should be conducted independently, on the basis of a robust list of ***key performance indicators,*** developed and regularly updated ***by the Commission, in consultation with*** the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and	(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market ***also*** at national and regional level. It should be conducted independently, on the basis of a robust list of ***criteria*** developed and regularly updated the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, regulatory

to help efforts to improve governance, data quality and risk management. In particular***, the level of cross-border activity and investment***, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

Amendment 66

Proposal for a regulation
Recital 51

Text proposed by the Commission	*Amendment*
(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation)	(51) ***The Commission should be able to take the necessary actions to monitor the effective implementation of and compliance with the obligations laid down in this Regulation.*** To prepare the ground for a correct implementation of

should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Amendment 67

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law.	3. This Regulation shall not affect the possibility for Member States to adopt more detailed ***or stricter*** rules in the fields covered by Chapter II and Section 5 of Chapter III ***and Article 24 of Section 6 of Chapter III***, provided that those rules comply with Union law.

Amendment 68

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'media service provider' means a	(2) 'media service provider' means a

natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	natural or legal person***, including natural persons in non-standard forms of employment, such as free-lancing and independent journalism,*** whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the ***approach and perspective of presenting and delivering the content and the*** manner in which it is organised;

Amendment 69

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission	*Amendment*
	(7 a) 'editor-in-chief' means a natural person who takes or supervises editorial decisions within a media service provider;

Amendment 70

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission	*Amendment*
9. 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence	9. editorial responsibility' means the exercise of effective control both over the selection of the programmes or ***the content of*** press publications, and other media products and over their organisation, for the purposes of the

of liability under national law for the service provided;	provision of a media service, regardless of the existence of liability under national law for the service provided;

Amendment 71

Proposal for a regulation
Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission	*Amendment*
	(9 a) 'online platform' means a service as defined in Article 3, point (i) of Regulation (EU) 2022/2065;

Amendment 72

Proposal for a regulation
Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission	*Amendment*
	(9 b) 'online search engine' means a service as defined in Article 3, point (j) of Regulation (EU) 2022/2065;

Amendment 73

Proposal for a regulation
Article 2 – paragraph 1 – point 9 c (new)

Text proposed by the Commission	*Amendment*
	(9 c) 'provider of online platform' means a hosting service as defined in article 3 (I) in the of Regulation (EU) 2022/2065;

Amendment 74

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission	*Amendment*
(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***25(4)*** of Regulation (EU) ***2022/XXX*** [Digital Services Act];	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***33(4)*** of Regulation (EU) ***2022/2065*** [Digital Services Act];

Amendment 75

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission	*Amendment*
	(10 a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;

Amendment 76

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service ***provider***;	(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one ***party in the media value chain, such as*** media service ***providers, providers of very large online platforms or of very large online search engines***;

Amendment 77

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation or prices or the related planning, ***production*** or distribution of content;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services ***and users of online platforms*** for the purposes of decisions regarding advertising allocation or prices or the related ***buying,*** planning, ***selling*** or distribution of content;

Amendment 78

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity ***of more than 1 million inhabitants***;	(15) 'State advertising' means the placement, publication or dissemination, in any media service ***or online platform or search engine that provides media services***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of ***Union institutions or bodies or*** any national or regional ***or local*** public authority, such as national, federal or regional ***and local*** governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity;

Amendment 79

Proposal for a regulation
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) 'Emergency messages by public authorities' means the placement, publication or dissemination, in any media service, of a message of informative nature, considered necessary by the public authorities in the event of natural or sanitary disasters, accidents,

	other sudden incidents or critical situations that may cause harm to individuals;

Amendment 80

Proposal for a regulation
Article 2 – paragraph 1 – point 16

Text proposed by the Commission	*Amendment*
(16) 'spyware' means any product with digital elements specially designed to exploit vulnerabilities in other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;	***(16) 'surveillance technologies'*** means any ***digital, mechanical, or*** other ***instrument/product*** that enables the ***acquisition of information*** by intercepting, monitoring, extracting, collecting or analysing data without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent***, as defined under Article 7 of Regulation EU 2016/679*** in that regard;

Amendment 81

Proposal for a regulation
Article 2 – paragraph 1 – point 16 a

Text proposed by the Commission	*Amendment*
(16) 'spyware' means any ***product with digital elements specially*** designed to exploit vulnerabilities in ***other*** products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products***, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices***, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;	(16 a)'spyware' means any ***surveillance technology with a high level of intrusiveness resulting in particular from the extensive access it can offer to devices and their functionalities, typically*** designed to exploit vulnerabilities in products with digital elements that enables the ***extensive*** covert surveillance of natural or legal persons***, including retroactively*** by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, ***including*** in ***an indiscriminate manner***, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent ***, as defined under Article 7 of Regulation EU 2016/679*** in that regard;

Amendment 82

Proposal for a regulation
Article 2 – paragraph 1 – point 17 – point a

Text proposed by the Commission	*Amendment*
(a) terrorism,	(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council***,

Amendment 83

Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) 'user interface' means a service or facility that provides a textual or visual overview of audiovisual media services or their content, which serves the purpose of orientating, discovering, finding, selecting or accessing audiovisual content or services by the user;

Amendment 84

Proposal for a regulation
Article 2 – paragraph 1 – point 17 b (new)

Text proposed by the Commission	*Amendment*
	(17 b) 'user interface provider' means a natural or legal person providing a user interface, determining predominantly the design of the overview of audiovisual media services and the order or manner in which they are presented to the user.

Amendment 85

Proposal for a regulation
Article 2 – paragraph 1 – point 17 c (new)

Text proposed by the Commission	*Amendment*
	(17 c)"Recipients of media services" means any natural or legal person for whom a "media service", as set out in subparagraph 1 of this paragraph, is intended for.

Amendment 86

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services in the Union shall have the right to ***receive*** a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse.	Recipients of media services in the Union shall have the right to ***have access, in an easily accessible manner, to*** a plurality of ***media services, in particular*** news and current affairs content, produced with respect for editorial freedom of media service providers, ***in absence of any interference, from national authorities and bodies, as well as advertisers, donors, political parties and state and non-state actors from third countries,*** to the benefit of the ***purposes of free and democratic*** public discourse.

Amendment 87

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers shall have the right to exercise their ***economic*** activities in the internal market without restrictions other than those allowed under Union law.	1. Media service providers shall have the right to exercise their activities in the internal market without restrictions other than those allowed under Union law.

Amendment 88

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies***,*** shall not:	2. ***The Union,*** Member States ***and private entities*** shall respect effective editorial freedom ***and independence*** of media service providers. Member States, including their national regulatory authorities and bodies***; the Union's institutions and agencies as well as private entities*** shall not:

Amendment 89

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) interfere in or try to influence in any way, directly or indirectly, editorial ***policies***	(a) interfere in or try to influence in any way, directly or indirectly, editorial policies ***and editorial*** ddecisions by media service

and decisions by media service providers;	providers;

Amendment 90

Proposal for a regulation
Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) oblige media services providers and their employees to disclose any information related to the editorial processing or to disseminate this information, including on their sources;

Amendment 91

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) detain, sanction, ***intercept,*** subject ***to surveillance or*** search and seizure, or inspect media service providers or, if applicable, their family members, ***their employees*** or their ***family members***, or their corporate and private premises, ***on the ground that they refuse to disclose information on*** their sources***, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law***;	(b) detain, sanction, subject search and seizure, or inspect media service providers***, their employees*** or, if applicable, their family members, or ***any other subject belonging to*** their ***professional network of relationships, including occasional contacts***, or their corporate and private premises, ***where such actions may lead to a violation of*** their ***professional activity and in particular where they might lead to access to journalistic*** sources;

Amendment 92

Proposal for a regulation
Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) access encrypted content data in any device or machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other subject belonging to their professional or private network of relationships, including occasional contacts;

Amendment 93

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) deploy ***spyware*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members***, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and*** other ***Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be***	(c) deploy ***measures for surveillance or surveillance technologies or instruct private entities to use such technologies,*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members ***or, if applicable, any*** other ***subject belonging to their professional network, including occasional contacts***.

inadequate and insufficient to obtain the information sought.

Amendment 94

Proposal for a regulation
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) deploy spyware or any similar intrusive technologies, or instruct private entities to use such technologies, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.

Amendment 95

Proposal for a regulation
Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission	*Amendment*
	(c b) commission a third party to perform any of the measures under paragraphs (b), (ba), (c) and (ca).

Amendment 96

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Actions referred to in point (b) of paragraph 2, shall only be disposed if their deployment is unrelated to the professional activity of media service providers and their employees, does not lead to access to journalistic sources, is provided for under national law, is justified on a case-by-case basis for the prevention, investigation or prosecution of serious crimes, as listed in Article 2(17) of this Regulation, is in compliance with Article 52(1) of the Charter and other Union law, is proportionate in respect to the legitimate aim pursued, and when other legal measures would be inadequate and insufficient to obtain the information sought. Authorities undertaking these measures shall refrain from retrieving data related to the professional activity of media service providers and their employees, in particular data offering access to journalistic sources.

Amendment 97

Proposal for a regulation
Article 4 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. Measures referred to in points (ba)

and (c) of paragraph 2 shall only be disposed if their deployment is unrelated to the professional activity of media service providers and of their employees, does not lead to access to journalistic sources, complies with the criteria prescribed in paragraph 2a and concerns only the investigation or prosecution of serious crimes as listed in Article 2(17) of this Regulation and that are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years, is used as a last resort when legal measures referred to in point (b) would be inadequate and insufficient to obtain the information sought and is subject to periodical review by an independent and impartial judicial authority. 2c (new) Measures referred to in point (ca) of paragraph 2 shall only be disposed if their deployment complies to the criteria set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 98

Proposal for a regulation
Article 4 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2 c. Measures referred to in point (ca) of paragraph 2 shall only be disposed if their deployment complies to the criteria

set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 99

Proposal for a regulation
Article 4 – paragraph 2 d (new)

Text proposed by the Commission	*Amendment*
	2 d. Measures referred to in paragraph 2, points (b), (ba), (c) and (ca) shall not be disposed unless their deployment is, ex ante, exclusively ordered by an independent and impartial judicial authority with effective, known and accessible remedial measures ensured in accordance with Article 47 of the Charter and in compliance with other Union law. The deployment of measures referred to in paragraph 2, points (ba), (c) and (ca) shall be subject to ex post scrutiny by judicial review or by other independent oversight mechanism. Member States shall inform persons targeted by these measures, as well as those whose data or communication were accessed, of the fact, duration, scope and manner of processing the data obtained during the disposal of these measures as well as ensure access to redress through an independent body for those directly or indirectly affected by the disposal of such measures. Member States shall publish

	the number of requests approved and rejected for the disposal of such measures. The safeguards provided for by this paragraph, shall extend to natural persons in non-standard forms of employment, such as free-lancers exercising activities in the same field as media service providers and their employees.

Amendment 100

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to handle complaints lodged by media service providers or***, if applicable***, their family members, ***their employees or their*** family members, regarding breaches of paragraph 2, points ***(b) and (c)***. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points ***(b) and (c)***.	3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***and guarantee*** an independent authority or body***, such as an ombudsperson,*** to handle complaints lodged by media service providers or ***their employees***, their family members, ***the*** family members ***of their employees, or any other person professionally or privately associated with them***, regarding breaches of paragraph 2, ***first subparagraph,*** points ***(aa), (b), (ba), (c), (ca) and (cb)***. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, ***first subparagraph,*** points ***(aa), (b), (ba), (c), (ca) and (cb)***.

Amendment 101

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers shall provide in an impartial manner a plurality of information and opinions to ***their audiences***, in accordance with their public service ***mission***.	1. Public service media providers shall ***be editorially independent and*** provide ***independently and*** in an impartial manner a plurality of information and opinions to ***the recipients of media services***, in accordance with their public service ***remit***.

Amendment 102

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management ***and*** the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law.	The head of management***,*** the members of the governing board ***and all management positions that entail responsibility for editorial policy*** of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure***, while aimed at achieving a gender balanced representation*** and on the basis of transparent, objective, non-discriminatory and proportionate criteria ***that emphasises professional competence, political neutrality and commitment to public service journalism,*** laid down in advance by national law. ***Selection criteria shall be predictable and consistent for the candidates and shall be known no less than 1 year before the***

planned appointment.

Amendment 103

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The duration of ***their*** term of office shall be ***established by national law, and*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***exceptionally*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law.	The duration of ***the*** term of office ***of the head of management and the members of the governing board*** shall be ***of at least four years in order to*** be adequate and sufficient ***and*** to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***under exceptional circumstances and on the basis of a review mechanism*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law. ***At the end of the term or in***

case of a dismissal of the head of management of public service media providers, a new procedure for appointment of a head of management and the members of the governing board shall be opened. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 104

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
	Without prejudice to the right of Member States to define the competences and duties of the head of management and members of the governing board of public service media providers as laid down by national law, the head of management and members of the governing board shall not take, interfere or overrule editorial decisions of editors, who shall exercise editorial responsibility in public service media providers within the meaning of Article 2 (9) of this Regulation.

Amendment 105

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers ***have adequate and stable financial resources for the fulfilment of their*** public service ***mission***. Those ***resources*** shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers ***benefit from sustainable funding, aiming to facilitate and nurture editorial independence, allocated on a multi-year basis and determined according to predictable, transparent, independent, impartial and non-discriminatory procedures and on the basis of transparent, objective and proportionate criteria laid down in advance by national law taking into account the standards laid down in the 'Communication from the Commission on the application of State aid rules to*** public service ***broadcasting'[1a]*** . Those ***procedures*** shall be such that editorial independence is safeguarded. _____ ***[1a] OJ C 257, 27.10.2009, p. 1–14***

Amendment 106

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.	4. Member States shall ***put in place mechanism and may,*** designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3. ***Following findings related to non-compliance or partial compliance with this Article, the designated independent authorities or bodies shall make the findings available to the public, launch an investigation in accordance with the corresponding regulatory provisions in the Member State and inform the European Board for Media Services and the Commission.***

Amendment 107

Proposal for a regulation
Article 6 – title

Text proposed by the Commission	*Amendment*
Duties of media service providers ***providing news and current affairs*** content	Duties of media service providers ***exercising editorial responsibility over*** content

Amendment 108

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Media service providers ***providing news and current affairs*** content shall make easily and directly accessible to the recipients of their services the following information:	1. Media service providers ***exercising editorial responsibility over*** content shall make easily and directly accessible to the recipients of their services the following information ***in electronic, machine readable and user-friendly format***:

Amendment 109

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) their legal name and ***contact*** details;	(a) their legal name and ***registration*** details;

Amendment 110

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the name(s) of their direct or indirect owner(s) with shareholdings ***enabling them to exercise influence on the operation and strategic decision making;***	(b) the name***(s), and where applicable, its registered office, legal form and name(s) of legal representative***(s) of their direct or indirect owner(s) with shareholdings ***of at least 15% of its capital and where applicable, the extent to which their direct, indirect or beneficial ownership is held by the government, a***

	state institution, state-owned enterprise or other public body.

Amendment 111

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the name(s) of their beneficial owners within the meaning of ***Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council.***	(c) the name(s) of their beneficial owners within the meaning of ***Article 2, paragraph 1, point 22 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation]***

Amendment 112

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) the legal name of any advertisers, sponsors or donors whose annual payments or contributions to the media service provider amount to 10% or more of that providers' annual turnover;

Amendment 113

Proposal for a regulation
Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission	*Amendment*
	(c b) the provision of political advertising services by clearly marking and labelling any advertised political or otherwise sponsored content and by making publicly accessible the content of any concluded contract for political advertising by the media service provider, including by disclosing the total monthly amount received for the advertising service, in accordance with Regulation (EU) 2023/XXX [Regulation on the transparency and targeting of political advertising];

Amendment 114

Proposal for a regulation
Article 6 – paragraph 1 – point c c (new)

Text proposed by the Commission	*Amendment*
	(c c) information concerning the ownership structure related to their parent and sister companies, as well as their subsidiaries;

Amendment 115

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. In duly justified cases and upon request, the media service providers, in compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board and to any other parties with legitimate interest the following up-to-date information
	(a) the business and financial interests, links or activities of their owners and their family members known to be close associates of politically exposed persons as defined in point 25, paragraph 1, of Article 2 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation];

Amendment 116

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. Media service providers shall submit upon request the information referred to in paragraph 1 to national regulatory authorities or bodies and the European Board for Media Services and inform them within 30 days of any change to their ownership.

Amendment 117

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional ***laws*** consistent with the Charter, media service providers providing news and current affairs content shall take ***measures that they deem*** appropriate ***with a view to guaranteeing*** the independence of individual editorial decisions***. In particular, such measures shall aim to:***	2. Without prejudice to national constitutional ***or other national laws, including national laws on media pluralism and media freedom*** consistent with the Charter, media service providers ***exercising editorial responsibility over content*** providing news and current affairs content shall take ***the*** appropriate ***self-regulatory measures to guarantee*** the independence of individual editorial decisions ***based on established professional editorial line.***
a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and	
(b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.	

Amendment 118

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) Without prejudice to the right of owners or the entity legally liable for the content to set out the general editorial line or strategic or general goals, owners or other company management of media service providers shall guarantee the independence of editors-in-chief and

editors, with respect to individual editorial decisions taken in the exercise of their profession.

Amendment 119

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	(2 b) Without prejudice to national constitutional laws consistent with the Charter, media service providers exercising editorial responsibility over content shall take the appropriate self-regulatory measures to disclose conflict of interest by any party having a stake in media service providers that may affect the provision of content.

Amendment 120

Proposal for a regulation
Article 6 – paragraph 2 c – (new)

Text proposed by the Commission	*Amendment*
	(2 c) Media service providers are encouraged to develop self-regulatory instruments, as they deem appropriate, such as codes of conduct, in cooperation with professional associations or journalistic organisations, representatives of publishers and other stakeholders, establishing the principles of

	independence, reliability and freedom of information, as well as the roles, rights and obligations of the various actors involved in the information process.

Amendment 121

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.	***deleted***

Amendment 122

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article 6 a
	Media Ownership Restrictions
	1. A natural person entrusted with the following prominent public functions:
	a. in a Member State:
	i. heads of State, heads of government, ministers;
	b. at Union level:

i. President of the European Council, President of the Commission and members of the Commission;

c. in a third country:

i. functions that are equivalent to those listed in point (a)

shall not be beneficial owners, as defined within the meaning of Article 2, paragraph 1, point 22, of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation], of any press publications, or audiovisual media service within the duration of their term of office.

2. When a person is entrusted with a prominent public function in accordance with paragraph 1 of this Article, they shall terminate the operation of the media service provider or shall terminate the business relationship, which allows for exercising influence over the media service provider, with the media service provider without undue delay, but not later than 60 days after becoming a politically exposed person.

Amendment 123

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Member States shall guarantee the organisational and functional autonomy of the national regulatory authorities or bodies, as well as the operational autonomy to manage their financial and human resources.

Amendment 124

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation ***independently of any government, public or private body, transparently and without political or any other undue influence***. ***Such allocations shall be sustainable and proportional to the additional tasks conferred under this Regulation.***

Amendment 125

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. Member States shall ensure that the heads and members of national regulatory authorities and bodies are appointed through a transparent, open and non-discriminatory procedure and on the basis of objective, gender-balanced, clear, transparent and proportionate criteria laid down in advance by national law. They may be dismissed before the

	end of their term of office under exceptional circumstances where they no longer fulfil the legally predefined conditions required for the performance of their duties or serious misconduct as defined in advance by national law. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 126

Proposal for a regulation
Article 7 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. Members of the national regulatory authorities or bodies, their governing bodies and their management shall, in the performance of their tasks or the exercise of their powers, neither seek nor take instructions from the government, institution, person or body and fulfill their missions in an effective, independent and transparent manner. This shall not affect the competencies of the Board or the Commission in conformity with this Regulation.

Amendment 127

Proposal for a regulation
Article 7 – paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3 c. Within one year after the entry into application of this Regulation pursuant to Article 28(2), the Commission shall assess the implementation of this Article. To this end, Members States shall send all relevant information to the Commission upon its request.

Amendment 128

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.	Those powers shall ***be laid down in advance by national law and*** include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.

Amendment 129

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining a dedicated online media ownership database as the National Repository of Media Ownership, containing disaggregated data about different types of media, as defined in Article 6.1 of this Regulation, including at regional and/or local levels, to which the public would have direct, easy, swift and effective access free of charge. National regulatory authorities or bodies shall produce yearly reports on the ownership of media services under the jurisdiction of a given Member State and submit them to the European Board for Media Services.

Amendment 130

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4 b. National regulatory authorities or bodies shall submit data provided according to Article 6.1 of this Regulation to the European Database of Media Ownership on a bi-annual basis.

Amendment 131

Proposal for a regulation
Article 7 – paragraph 4 c (new)

Text proposed by the Commission	*Amendment*
	4 c. National regulatory authorities or bodies shall submit data provided according to article 24 to the European Database of State Financial Support on a bi-annual basis , including at regional and/or local levels, to which the public would have easy, swift and effective access free of charge.

Amendment 132

Proposal for a regulation
Article 7 – paragraph 4 d (new)

Text proposed by the Commission	*Amendment*
	4 d. National regulatory authorities or bodies shall organise annual consultations with representatives of the media sector established in the Union, civil society members, academia and independent media experts. The results of these consultations shall be reflected in reports published annually.

Amendment 133

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, ***person or body***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence***, including of any government or other undue influence,*** when performing its tasks or exercising its powers. In particular, the Board shall ***be completely autonomous***, in the performance of its tasks or the exercise of its powers ***of any political, governmental or other influence when performing its tasks and***, neither seek nor take instructions from any government, ***national agency, body, person or Union*** institution, ***body, office or agency***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.

Amendment 134

Proposal for a regulation
Article 10 – title

Text proposed by the Commission	*Amendment*
Structure of the Board	Structure ***and composition*** of the Board

Amendment 135

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.	1. The Board shall be composed of ***high level*** representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment 136

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The ***term*** of office of the Chair shall be two years.	4. The Board shall be represented by its Chair ***and its Vice-Chairs***. The Board shall elect a Chair ***and four Vice-Chairs*** from amongst its members by a two-thirds majority of its members with voting rights. The ***Board shall take into account geographical representation when electing its Chair and Vice-Chairs. The terms*** of office of the Chair ***and the Vice-Chairs*** shall be two years.

Amendment 137

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission shall designate a representative to the Board. The	5. The Commission shall designate a representative to the Board. The

representative of the Commission shall participate in ***all*** activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall consult the Commission in preparation of its work programme and main deliverables.

representative of the Commission shall participate in ***the*** activities and meetings of ***the Board, in agreement with*** the Board, without voting rights. The Chair of the Board shall keep the Commission ***and the European Parliament*** informed about the ongoing and planned activities of the Board. The Board shall consult the Commission ***and other relevant stakeholders*** in preparation of its work programme and main deliverables.

Amendment 138

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5 a. The Board may invite experts and observers from the Member States to attend its meetings.

Amendment 139

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board, in agreement with the Commission, may invite ***experts and*** observers to attend its meetings.	6. The Board, in agreement with the Commission, may invite observers ***from outside the Union*** to attend its meetings ***and may designate permanent observers from amongst national regulatory authorities with competence in the media***

field, coming from non-EU countries, which have entered into agreements with the Union to that effect. The observers shall not have voting rights.

Amendment 140

Proposal for a regulation
Article 10 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6 a. The Board, in particular when discussing matters or taking decisions that concern the non-audiovisual media sector, shall consult with and take advice from the non-Audiovisual Media Expert Group;

Amendment 141

Proposal for a regulation
Article 10 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6 b. The Board shall organise annual consultations with representatives of the media services providers established in the Union, civil society members, academia and independent media experts. Without prejudice to the independence of the Board the results of these consultations shall be reflected in the preparation of its work programme

and activities.

Amendment 142

Proposal for a regulation
Article 10 – paragraph 7 a (new)

Text proposed by the Commission	*Amendment*
	7 a. The voting rights of a national regulatory authority or body within the Board shall be suspended in case one or more of the following criteria are met:
	i. the Member State that the national regulatory authority or body is representing in the Board is the subject to an infringement procedure in connection with breach of Article 30 of Directive 2010/13/EU;
	ii. independent media pluralism monitoring instruments indicating a high risk of non-independence of the national regulatory authority or body in two consecutive years.
	iii. the Member State is subject to a procedure pursuant to Article 7 of the Treaty on European Union, following breaches of the rule of law relating to issues concerning the failure to uphold media freedom or media pluralism.
	iv. The report referred to in Article 12 paragraphs 1 point (g b) points to serious non-compliance of that regulatory authority or body with its obligations in defending the freedom of media in the member state.

Amendment 143

Proposal for a regulation
Article 10 – paragraph 7 b (new)

Text proposed by the Commission	*Amendment*
	7 b. The suspension of the voting rights shall be terminated once the criteria as set in Article 10 (7a) of this Regulation are no longer met

Amendment 144

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, ***in agreement*** with the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, ***following a consultation*** with the Commission. ***The results of this consultation shall not be binding for the Board. The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests. The Board shall inform the European Parliament of any substantial changes it adopts to its rules of procedure.***

Amendment 145

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission	*Amendment*
	Article 10 a
	Non-Audiovisual Media Expert Group
	1. The European Board for Media Services shall establish the Non-Audiovisual Media Expert Group (Expert Group);
	2. The Expert Group shall be composed by representatives of the media sector from beyond the audiovisual sector, appointed in a transparent, objective and non-discriminatory procedure, based on applications submitted to the Board;
	3. The number of members shall be laid down in the Board Rules of Procedure and shall comprise representatives from all Member States, as well as up to eight representatives of European journalistic associations, organisations or natural persons with expertise in the media sector;
	4. The Expert Group shall provide independent expertise, assistance, and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism the non-audiovisual media sector and may provide advice to the Board in any situations where requested by the Board;
	5. The Board shall consult the Expert Group when establishing its annual working programme and planned activities;

Amendment 146

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***have*** a secretariat***, which shall be provided by the*** Commission.	1. The Board shall ***be supported by*** a secretariat ***independent from the Commission and the Member States, acting only on the instructions of the Board. The secretariat shall be provided with sufficient budget, independent expertise and human resources to support the Board in carrying out tasks outlined in this Regulation***.

Amendment 147

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Members of the secretariat shall be selected and appointed through an open and transparent competition;

Amendment 148

Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:	Without prejudice to the powers granted to the Commission by the Treaties ***and the competences of national regulatory authorities or bodies***, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing ***of*** Directive 2010/13/EU throughout the Union. The Board shall:

Amendment 149

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;	(c) advise the Commission, ***on its own initiative or*** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;

Amendment 150

Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) ***on its own initiative, or*** when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;

Amendment 151

Proposal for a regulation
Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission	*Amendment*
(e) ***in agreement with the Commission,*** draw up opinions with respect to:	(e) draw up opinions with respect to:

Amendment 152

Proposal for a regulation
Article 12 – paragraph 1 – point e – point i

Text proposed by the Commission	*Amendment*
(i) requests for cooperation ***and*** mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation ***including exchange of information and/or*** mutual assistance between national regulatory authorities or bodies, in accordance with

Article 13(7) of this Regulation;

Amendment 153

Proposal for a regulation
Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission	*Amendment*
(f) upon request of the Commission, draw up opinions with respect to:	(f) ***on its own initiative,*** upon request of the Commission ***or of the European Parliament***, draw up opinions with respect to:

Amendment 154

Proposal for a regulation
Article 12 – paragraph 1 – point f – point i

Text proposed by the Commission	*Amendment*
(i) national measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;	(i) national measures which are likely to affect the functioning of the internal market for media services ***or have a significant impact on media pluralism***, in accordance with Article 20(4) of this Regulation;

Amendment 155

Proposal for a regulation
Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission	*Amendment*
(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations ***and associated services such as printing and dissemination of products*** which are likely to affect the functioning of the internal market for media services ***and that could have a significant impact on media pluralism and editorial independence***, in accordance with Article 22(1) of this Regulation;

Amendment 156

Proposal for a regulation
Article 12 – paragraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article ***21(5)*** of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration ***and associated services such as printing and dissemination of products*** where such a concentration may affect the functioning of the internal market, in accordance with Article ***21*** of this Regulation ***(as well as existing concentrations at the entry into force of the present Regulation, in accordance with Article 22 of this Regulation), and make these findings available to the European Parliament upon its request***; ***when drawing up such opinions, the Board, in its assessment, shall take into consideration the findings of the Commission's Annual Rule of Law***

	report, as well as those of instruments monitoring media pluralism in determining the overall risk towards media pluralism;

Amendment 157

Proposal for a regulation
Article 12 – paragraph 1 – point g a (new)

Text proposed by the Commission	*Amendment*
	(g a) issue and monitor compliance with publicly available guidelines and recommendations on methodology to assess media market concentrations as referred to in Article 21 of this Regulation;

Amendment 158

Proposal for a regulation
Article 12 – paragraph 1 – point h – point ii

Text proposed by the Commission	*Amendment*
(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations ***and associated services such as printing and dissemination of products***, in accordance with Article 21(3) of this Regulation;

Amendment 159

Proposal for a regulation
Article 12 – paragraph 1 – point l a (new)

Text proposed by the Commission	*Amendment*
	(l a) under request or at its own initiative, the Board may provide mediation assistance in case of no agreement between media service providers and providers of very large online platforms pursuant to Article 17(4)

Amendment 160

Proposal for a regulation
Article 12 – paragraph 1 – point m

Text proposed by the Commission	*Amendment*
(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.	(m) foster the exchange of best practices ***and promote compliance with existing codes of conduct*** related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment 161

Proposal for a regulation
Article 12 – paragraph 1 – point m a (new)

Text proposed by the Commission	*Amendment*
	(m a) draw up and make available to national regulatory authorities and bodies established according to Directive 2010/13/EU a template for reporting on the ownership of media service providers and the allocation of state resources according to Article 6(4) and Article 24(2a) of this Regulation.

Amendment 162

Proposal for a regulation
Article 12 – paragraph 1 – point m b (new)

Text proposed by the Commission	*Amendment*
	(m b) establish and operate a European Repository of Public Funding for State Advertising allocated to media service providers (AM 81 Rapp) in all Member States, compiled on the basis of the reports submitted by national regulatory authorities or bodies and including the calculation of ration of state advertising allocated to media service providers in relation to their annual revenue and establish an European level benchmarks on allocation practices;

Amendment 163

Proposal for a regulation
Article 12 – paragraph 1 – point m c (new)

Text proposed by the Commission	*Amendment*
	(m c) establish and maintain the European Database for Media Ownership collecting information provided by national regulatory authorities and bodies, in accordance with Article 6 of this Regulation.

Amendment 164

Proposal for a regulation
Article 12 – paragraph 1 – point m d (new)

Text proposed by the Commission	*Amendment*
	(m d) organise a structured dialogue with representatives of media service providers, civil society, academia and other relevant stakeholders to cooperate and exchange information, experience and best practices on the implementation of this Regulation and Directive 2010/13/EU. The results of these consultations shall inform the preparation of its work programme and activities, and shall be publicly available.

Amendment 165

Proposal for a regulation
Article 12 – paragraph 1 – point m e (new)

Text proposed by the Commission	*Amendment*
	(m e) prepare a detailed annual report of its activities and tasks as provided for in this Article, in particular an overview of the state of play of compliance with the recommendations issued by the Board. The annual report shall be made publicly available. The Board shall provide, in its future annual reports, a follow-up of the previous reports prepared.

Amendment 166

Proposal for a regulation
Article 12 – paragraph 1 – point m f (new)

Text proposed by the Commission	*Amendment*
	(m f) develop guidelines and recommendations on criteria, in consultation with media stakeholders, for the distribution of public funds through state financial support in accordance with article 24 of this Regulation, that ensure they are insulated from political interference.

Amendment 167

Proposal for a regulation
Article 12 – paragraph 1 – point m g (new)

Text proposed by the Commission	*Amendment*
	(m g) analyse the potential interdependency between media service providers and the state created by financial flows from the state to media owners via state contracts through companies belonging to the same business group as the media service provider, operating in other industries. The Board should draw up guidelines on how to prevent any conflict of interest arising from and its potential impact on editorial policy.

Amendment 168

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to public security ***and defence***, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.	2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to ***democracy and rule of law and/or*** public security, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.

Amendment 169

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it***, as specified in the Board's Rules of Procedure***.

Amendment 170

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.	6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days. ***Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, shall be defined in the Board's rules of procedure.***

Amendment 171

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue, ***in agreement with the Commission,*** an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.	7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

Amendment 172

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the	2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the

requesting national authority or body about the actions taken or planned pursuant to paragraph 1.	requesting national authority or body about the actions taken or planned pursuant to paragraph 1***, or justify the reasons for which action was not taken***.

Amendment 173

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken ***or a refusal to take action*** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment 174

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a

request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion***, in agreement with the Commission,*** without undue delay.

request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion without undue delay.

Amendment 175

Proposal for a regulation
Article 15 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU ***and Article 6 of this Regulation , as well as of their parent or sister companies or of their subsidiaries***.

Amendment 176

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall ***foster*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***facilitate*** the development of ***technical*** standards related to digital signals or design of	4. The Board shall ***facilitate*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***promote*** the development of ***EU-wide harmonised*** standards related to digital

devices or user interfaces controlling or managing access to and use of audiovisual media services.	signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.

Amendment 177

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.	1. ***Without prejudice to Article 3 of Directive 2010/13/EU,*** the Board shall***, upon the request of the national regulatory authorities or bodies from at least two Member States,*** coordinate ***relevant*** measures by national regulatory authorities or bodies ***concerned,*** related to the dissemination of or access to media services provided by media service providers established***, originating, funded or owned by state and non-state actors from*** outside the Union that***, irrespective of their means of distribution,*** target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public ***interest, public*** security and defence***, including foreign interference within the EU information ecosystem and public health***.

Amendment 178

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board***, in agreement with the Commission,*** may issue opinions on appropriate national measures under paragraph 1. ***All*** competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board may issue opinions on appropriate national measures under paragraph 1. ***National regulatory authorities or bodies of a country of destination may request the Board to issue an opinion advising the*** competent national authorities ***to take appropriate measures against the media service provider established, originating funded or owned by state and non-state actors from outside the Union. The Board shall issue guidelines on the format of such requests. When the request is formulated by a minimum number of Board members, defined in the Board's rules of procedure, the Board shall be automatically triggered to issue an opinion. The Board may consult the Commission in issuing such opinions, where deemed appropriate. Without prejudice to their powers under national law, the competent national authorities concerned***, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. ***The competent authority or body shall provide reasons for any refusal to undertake the recommended actions.***

Amendment 179

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. When preparing its opinion, the Board shall confirm that the following conditions are met:
	(i) there is substantiated evidence that the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, public health or the content of the audiovisual media service provider manifestly, seriously and gravely infringes article 6(1) of Directive 2010/13/EU.
	(ii) the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union.

Amendment 180

Proposal for a regulation
Article 16 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. Member States shall ensure that when relevant, national regulatory authorities or bodies, when deciding to take action (inter alia through licensing or registration) against a media service provider established or originating, funded or owned by state and non-state actors from outside the Union, have a legal basis to take into account at least one of the following conditions:

(i) a decision taken against that provider by a national regulatory authority or body from another Member State and/or;

(ii) an opinion of the Board relating to that provider and taken on the grounds of this article.

Amendment 181

Proposal for a regulation
Article 16 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2 c. Online platforms and online search engines shall cooperate fully with any investigations or inquiries conducted by regulatory authorities or bodies on media service providers from outside the Union, that may present a risk to public security and defence, and shall provide all required information and data to support such investigations or inquiries.

Amendment 182

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***it is*** a media service provider within the meaning of Article 2(2);	(a) ***they are*** a media service provider within the meaning of Article 2(2) ***and comply with the obligations set out in Article 6(1)***;

Amendment 183

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Where media service providers decide to submit a declaration as set out in paragraph 1, these declarations shall be reviewed at the national level by the appropriate regulatory or self-regulatory authorities and bodies, or where such bodies do not exist, by a committee of representatives of experts from the media sector.

Amendment 184

Proposal for a regulation
Article 17 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. Where the declarations set out in paragraph 1 are invalidated at the national level, they shall be referred to the European Board of Media Services. The Board shall issue an assessment on the status of the declaration, upon the consent of the media service provider, and send this opinion to the Commission. The Commission shall take into consideration the opinion of the Board and issue a decision on the status of the

declaration. The Board and the Commission may consult experts from the media sector when conducting this process.

Amendment 185

Proposal for a regulation
Article 17 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1 c. Providers of very large online platforms shall ensure that their content moderation processes have adequate and sufficient personnel, linguistic range and cultural sensitivity and context-specific training, to ensure that freedom and pluralism of the media is not undermined.

Amendment 186

Proposal for a regulation
Article 17 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1 d. Providers of very large online platforms which allow for the dissemination of media services shall respect the right to freedom of expression and freedom of the media and shall ensure the fair and non-discriminatory distribution on their services of media services provided by media service

providers.

Amendment 187

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/XXX [Digital Services Act]***, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) ***2022/XXX [Digital Services Act]***, to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.	2. Where a provider of very large online platform decides to ***restrict or*** suspend the provision of its online intermediation services in relation to content ***or services*** provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content ***or services*** is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/2065***, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) ***2022/2065***, to communicate to the media service provider concerned the ***detailed*** statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17(3) of Regulation (EU) 2022/2065 [Digital Services Act]***, ***and provide the media service provider with an opportunity to reply to the statement of reasons within 24 hours*** prior to the suspension ***or restriction*** taking effect. ***During that time the provider of the very large online platform may decide to put a notice on the content or service that is being under inspection. A provider of a***

very large online platform shall not restrict or suspend the provision of its online intermediation services in relation to content or services provided by a media service provider where that that media service provider has reasonably demonstrated that the content or services in question are in accordance with the national law of the Member State concerned.

The media service provider may notify the outcome of such exchanges to the national regulatory authority, to the Board or to the national digital services coordinator as referred in the Regulation (EU) 2022/2065, (DSA).

If no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation 2022/2065 without prejudice to its right to effective judicial protection.

Amendment 188

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon	3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***and/or Article 20 of Regulation (EU) 2022/2065 [Digital Services Act]*** by media service providers that submitted a declaration pursuant to

with priority and without undue delay.	paragraph 1 of this Article are processed and decided upon with priority and without undue delay.

Amendment 189

Proposal for a regulation
Article 17 – paragraph 5 – point a

Text proposed by the Commission	*Amendment*
(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; ***and***	(a) the number of instances where they imposed any restriction or suspension on the grounds that the content ***or services*** provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions;

Amendment 190

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission	*Amendment*
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***may*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***shall adopt a delegated act in order to*** issue guidelines to establish the form and details of the ***review process set out in paragraph 1a, the*** declaration set out in paragraph 1***, the criteria for accepting or refusing the declarations set out in***

paragraph 1, as well as any possible sanctions to be taken against natural or legal persons abusing the system of self-declaration.

Amendment 191

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms ***and very large online search engines***, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and ***very large online search engines and*** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference***, as well as to ensure the autonomy, independence and security of journalists and to identify numbers and trends related to the subject matter, volume, and affected parties***.

Amendment 192

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall report on the results of the dialogue to the Commission ***and make the results available to the public and the European Parliament upon request***.

Amendment 193

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The organisations referred to in paragraph 1 and having activities at European level shall be registered in the Transparency Register and the list thereof shall be made public by the Board.

Amendment 194

Proposal for a regulation
Article 19 – title

Text proposed by the Commission	*Amendment*
Right of customisation of audiovisual media offer	Right of customisation of ***the audio and*** audiovisual media offer

Amendment 195

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Users shall have ***a right*** to easily ***change*** the default ***settings*** of any device or user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.	1. Users shall have ***access to a functionality allowing them*** to easily ***customise*** the default ***layout*** of any device or user interface controlling or managing access to and use of ***audio or*** audiovisual media services***,*** in order to customise the ***audio or*** audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.

Amendment 196

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default ***settings*** controlling or managing access to and use of the audiovisual media services offered.	2. When placing the devices***,*** and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default ***layout*** controlling or managing access to and use of the audiovisual media services offered.

Amendment 197

Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission	*Amendment*
	Article 19 a
	Right to identify the content of a media service
	1. Recipients of media services shall have a right to easily identify the media service provider on any device or user interface controlling or managing access to and use of media services.
	2. Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and services offered.

Amendment 198

Proposal for a regulation
Article 20 – title

Text proposed by the Commission	*Amendment*
National measures affecting the operation of media service providers	National measures affecting the ***provision and*** operation of media service providers

Amendment 199

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. Any legislative***, implementing***, regulatory or administrative measure taken by a Member State***, including, but not limited to, the implementation of Directive 2010/13/EU*** that is liable to affect the ***provision of media services or*** operation of media service providers in the internal market shall be duly justified***,*** and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory***, shall not disproportionately disrupt the operation of media service providers and shall follow the principle of non-regression on EU values in Member States with respect to media freedom and independence***.

Amendment 200

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an	3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an

appellate body. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.	appellate body***, which may be a court of law***. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise ***and funding*** to enable it to carry out its functions effectively ***and to respond to any appeals timely***. ***Where the Board has issued an opinion on the matter, such national appellate bodies may take this into particular consideration.***

Amendment 201

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.	4. The Board, upon ***its own initiative or at the*** request of the Commission ***or the media service provider affected by the measure***, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services***. The opinion shall, where applicable, include the justification, the proportionality analysis and can include consultation with national stakeholders***. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available. ***Where applicable, media service providers that consider to be***

	directly affected by such measures shall also be able to request the Board to issue an opinion.

Amendment 202

Proposal for a regulation
Article 20 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.	5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned. ***Media service providers considering to be directly affected by such measures shall be able to request the Board to issue an opinion.***

Amendment 203

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment referred to in this paragraph shall be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.	The assessment referred to in this paragraph shall ***provide an independent evaluation of any undue distortions to the media environment and*** be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

Amendment 204

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity ***and independence*** of media players on the market***, focusing on the activities related to the provision of information***, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Amendment 205

Proposal for a regulation
Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) the results of the risk assessment made by the annual Commission Rule of Law Report and media pluralism monitoring instruments to identify, analyse and asses any systemic risks to media freedom and media pluralism in the particular Member State

Amendment 206

Proposal for a regulation
Article 21 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions;	(b) the safeguards for editorial independence, including the impact of the concentration on the functioning ***and independence*** of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions***, as well as national legislation and self-regulatory norms in this regard***;

Amendment 207

Proposal for a regulation
Article 21 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, ***and*** whether there are any possible alternatives to ensure its economic sustainability***.***	(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, whether there are any possible alternatives to ensure its economic sustainability***, as well as the absence of the proposed concentration would have a negative impact on media pluralism;***

Amendment 208

Proposal for a regulation
Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) the entirety of the media market, including the associated services such as printing and dissemination of products (SD horizontal AMs), online environment actors such as the providers of very large online platforms or very large online search engines as well as public media service providers.

Amendment 209

Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6 a. The respective national regulatory authorities or bodies, at their own initiative or requested by the Board, shall conduct an ex-post evaluation of concentrations taking into account criteria referred to in paragraph 2.

Amendment 210

Proposal for a regulation
Article 21 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6 b. The assessments and opinions referred to in this Article shall be made publicly available.

Amendment 211

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is	1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***at its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a

likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the Commission.	media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the ***European Parliament and the*** Commission.

Amendment 212

Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. The Board shall take utmost account of input from civil society and other stakeholders from the media sector when deciding whether to draw up an assessment on a concentration which would objectively impact the media market.

Amendment 213

Proposal for a regulation
Article 22 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. The National Regulatory Authority who is addressed by the opinion shall report to the Board within 90 days

concerning the measures it has taken to comply with the recommendations.

Amendment 214

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22 a
	Investigation of media market concentrations into systematic non-compliance
	1. Following the recommendation of the Board pursuant to Article 22(1e), or under request of the European Parliament, or on its own initiative, the Commission may conduct an investigation of a media market concentration for the purpose of examining whether such concentration has engaged in systematic non-compliance with the obligations laid down under this Regulation, putting in serious risk the independence, plurality and freedom of media. The Commission shall conclude the investigation within 6 months. Where the findings of the investigation show that a media market concentration has systematically infringed the obligations laid down in this Regulation and that there is a clear risk of seriously undermining the independence, plurality and freedom of the media, the Commission is empowered to adopt a delegated act pursuant to Article 22c, imposing on the undertakings part of the media market concentration any behavioural or structural remedies which

are proportionate and necessary to ensure effective compliance with this Regulation and the protection of media freedom, pluralism and independence.

2. The remedy imposed in accordance with paragraph 1 of this Article may include, to the extent that such remedy is proportionate and necessary in order to maintain or restore the independence, plurality and freedom of media as affected by the systematic non-compliance, the prohibition, during a limited period, for the undertakings which are part of the media market concentration under investigation to remain or enter into a further media market concentration as defined in Article 2, paragraph 13, of this Regulation.

3. A media market concentration shall be deemed to have engaged in systematic non-compliance with the obligations laid down in this Regulation, where the opinions of concentrations issued by the Board pursuant to Article 22of this Regulation conclude that there is a potential risk to the independence, plurality and freedom of media and issues a recommendation to the Commission pursuant to Article 22(1e) of this Regulation advising the Commission to launch an investigation in order to determine whether the concerned media market concentration poses a serious risk to the independence, plurality and freedom of media. For the purpose of its investigation, the Commission shall take into account procedures launched under Article 7 TEU.

4. The Commission shall communicate its findings to the Member States and undertakings concerned within 6 months from the date of the adoption of the recommendation issued by the Board

pursuant to Article 22, paragraph 1e, of this Regulation. In its findings, the Commission shall explain whether it considers that the conditions of paragraph 1 and 3 of this Article are met and which remedy or remedies it considers necessary and proportionate. The findings of the Commission shall be public and made available to the European Parliament and to the Council.

5. In the course of the investigation of a media market concentration, the Commission may extend its duration where such extension is justified on objective grounds and proportionate. The total duration of any extension or extensions pursuant to this paragraph shall not exceed 6 months. The Commission shall inform the European Parliament and the Council.

6. In order to ensure effective compliance by the media market concentration with its obligations laid down in this Regulation, the Commission shall regularly review the remedies that it imposes in accordance with paragraphs 1 and 2 of this Article. The Commission shall be entitled to modify those remedies if, following an investigation of a media market concentration, it finds that they are not effective.

Amendment 215

Proposal for a regulation
Article 22 b (new)

Text proposed by the Commission	*Amendment*
	Article 22 b
	Non-compliance
	1. The Commission shall adopt a delegated act pursuant to Article 22c, setting out its findings of non-compliance ('the non-compliance decision') where it finds that a media market concentration has engaged in systematic non-compliance with this Regulation putting a serious risk to the independence, plurality and freedom of media.
	2. The Commission shall endeavour to adopt its non-compliance decision within 12 months from the opening of an investigation pursuant to Article 22a.
	3. Before adopting the non-compliance decision, the Commission shall communicate its findings to the undertakings concerned. In those findings, the Commission shall explain the measures it is considering taking or that it considers that the undertakings concerned should take in order to effectively address the findings.
	4. Where it intends to adopt a non-compliance decision, the Commission may consult relevant stakeholders.
	5. In the non-compliance decision, the Commission shall order the undertakings concerned to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with that decision.
	6. The undertakings concerned shall provide the Commission with the description of the measures that it has taken to ensure conformity with the non-

compliance decision.

7. Where the Commission decides not to adopt a non-compliance decision, it shall close the proceedings.

8. The non-compliance decisions issued by the Commission shall be made publicly available.

Amendment 216

Proposal for a regulation
Article 22 c (new)

Text proposed by the Commission	*Amendment*
	Article 22 c
	Delegated Acts
	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
	2. The power to adopt delegated acts referred to in Articles 22a and 22b shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].
	3. The power to adopt delegated acts referred to in Articles 22a and 22b may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any

delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 22a and 22b shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Amendment 217

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability.

Amendment 218

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' ***business*** secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' ***trade*** secrets ***within the meaning of Article 2(1) of Directive (EU) 2016/943***, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.

Amendment 219

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their	3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their

representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	representative organisations***, civil society*** and any other interested parties, ***shall draw up codes of conduct, with the support of national regulatory authorities or bodies*** that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. ***These codes of conduct should provide for regular, transparent and independent monitoring and evaluation of the achievement of these objectives. The codes of conduct should provide effective implementation including through proportionate sanctions where appropriate. In the drawing up of codes of conduct, special consideration should be given to small media to ensure proper measurements of their audiences.***

Amendment 220

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems ***media service providers, civil society organisations*** and other interested parties.

Amendment 221

Proposal for a regulation
Article 24 – title

Text proposed by the Commission	*Amendment*
Allocation of state advertising	Allocation ***and transparency*** of state advertising ***and other state financial support***

Amendment 222

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	1. Public funds***, including European Union, national or local funds,*** or any other consideration or advantage granted by public authorities to media service providers***, including to very large online platform providers and very large online search engine providers,*** for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. ***Such funds allocated by any public authority to a singular media service provider, including to a very large online platform provider or to a very large search online engine provider shall not exceed 15% of the total budget allocated by the said public authority to the totality of media service providers operating in the corresponding***

	European, national or local market; This Article shall not affect public procurement rules ***and political advertising***.

Amendment 223

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Public authorities, including national, federal or regional ***governments***, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national ***or*** regional ***level,*** or local ***governments of territorial entities of more than 1 million inhabitants,*** shall make publicly available accurate, comprehensive, intelligible, detailed ***and*** yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:	2. ***Relevant*** public authorities, including ***at Union,*** national, federal or regional ***or local level***, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national ***,*** regional or local ***level*** shall make publicly available ***through electronic and user-friendly means*** accurate, comprehensive, intelligible, ***and machine readable format*** detailed yearly information about their advertising expenditure ***and other financial support from public funds, including European Union funds,*** allocated to media service providers ***and online providers of online platforms***, which shall include at least the following details:

Amendment 224

Proposal for a regulation
Article 24 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the legal names of media service providers from which advertising services were purchased;	(a) the legal names of media service providers ***or providers of online platforms*** from which advertising services were purchased ***or to whom an advantage was given***;

Amendment 225

Proposal for a regulation
Article 24 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the total annual amount spent as well as the amounts spent per media service provider.	(b) the total annual amount spent as well as the amounts spent per media service provider ***or providers of online platforms and the ratio of funds allocated to singular media service providers out of the total budget allocated to the totality of media service providers on the corresponding European, national or local level***.

Amendment 226

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall monitor the allocation of state	3. National regulatory authorities or bodies shall monitor the allocation of state

advertising ***in*** media ***markets***. In order to assess the accuracy of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.	advertising ***or other financial support to*** media ***service providers and providers of online platforms***. In order to assess the accuracy of the information on state advertising ***and other financial support*** made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.

Amendment 227

Proposal for a regulation
Article 24 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The Board, on its own initiative or as a result of input from civil society, journalistic organisations or other relevant stakeholders, may decide to assess the allocation of European Union funding by national governments and issue an opinion on the application and compliance with paragraph 1.

Amendment 228

Proposal for a regulation
Article 24 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. National regulatory authorities or bodies shall submit data provided by public authorities pursuant to paragraph 2 on a bi-annual basis to the European Board for Media Services for the purpose of establishing European Database of State Financial Support.

Amendment 229

Proposal for a regulation
Article 24 – paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3 c. The allocation of state resources to media service providers, for the purpose of transmitting emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3, 6 months of adoption of those emergency measures. Such allocations shall always be subject to the requirements set out in paragraph 1.

Amendment 230

Proposal for a regulation
Article 24 – paragraph 3 d (new)

Text proposed by the Commission	*Amendment*
	3 d. Member States shall publish, on an annual basis, details of all contracts between state bodies or state-owned enterprises and media service providers or other entities that belong to the same business grouping and their beneficial owners. This report should be published alongside the yearly National Regulatory Authorities reports on state advertising and other financial support.

Amendment 231

Proposal for a regulation
Article 24 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The allocation of state ***resources*** to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.	4. The allocation of state ***advertising or other financial support*** to media service providers ***and providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.

Amendment 232

Proposal for a regulation
Article 25 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The Commission shall in its monitoring exercise take account of the Board's reports, assessments and recommendations, input from civil society, the results from the media pluralism monitoring instruments and the findings from Rule of Law Reports.

Amendment 233

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The monitoring exercise shall include:	3. The monitoring exercise shall include***, in particular***:

Amendment 234

Proposal for a regulation
Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) a detailed overview of the allocation of state advertising and state financial support to media service providers and providers of online platforms, including of European Union funding.

Amendment 235

Proposal for a regulation
Article 25 – paragraph 3 – point b b (new)

Text proposed by the Commission	*Amendment*
	(b b) an assessment of the rules and practices in the allocation of public subsidies to media services;

Amendment 236

Proposal for a regulation
Article 25 – paragraph 3 – point b c (new)

Text proposed by the Commission	*Amendment*
	(b c) a detailed assessment of the decisions taken by media regulatory bodies to see if there is any undermining of independent decision-making and of the independence of national authorities or bodies;

Amendment 237

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [***four*** years after the entry into force of this Regulation] at the latest, and every ***four*** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By [***two*** years after the entry into force of this Regulation] at the latest, and every ***two*** years thereafter, the Commission shall evaluate ***the implementation of*** this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
References	COM(2022)0457 – C9-0309/2022 – 2022/0277(COD)
Committee responsible Date announced in plenary	CULT 17.10.2022
Opinion by Date announced in plenary	LIBE 17.10.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Ramona Strugariu 22.3.2023
Discussed in committee	26.4.2023
Date adopted	18.7.2023
Result of final vote	+: 38 –: 10 0: 1
Members present for the final vote	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis,

	Malik Azmani, Katarina Barley, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Saskia Bricmont, Patricia Chagnon, Clare Daly, Lena Düpont, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Evin Incir, Sophia in ‘t Veld, Patryk Jaki, Fabienne Keller, Moritz Körner, Alice Kuhnke, Juan Fernando López Aguilar, Lukas Mandl, Erik Marquardt, Nadine Morano, Emil Radev, Paulo Rangel, Isabel Santos, Birgit Sippel, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Yana Toom, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Damian Boeselager, Gwendoline Delbos-Corfield, Matjaž Nemec, Jan-Christoph Oetjen, Kostas Papadakis, Cristian Terheş, Miguel Urbán Crespo
Substitutes under Rule 209(7) present for the final vote	Andrus Ansip, Robert Biedroń, Eric Minardi, Jan Olbrycht, Christian Sagartz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Lukas Mandl, Jan Olbrycht, Emil Radev, Paulo Rangel, Christian Sagartz, Javier Zarzalejos
Renew	Abir Al-Sahlani, Andrus Ansip, Malik Azmani, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Ramona Strugariu, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Maria Grapini, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Matjaž Nemec, Isabel Santos, Birgit Sippel, Elena Yoncheva
Verts/ALE	Damian Boeselager, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Tineke Strik

10	-
ECR	Patryk Jaki, Cristian Terheş
ID	Patricia Chagnon, Nicolaus Fest, Eric Minardi, Annalisa Tardino
NI	Kostas Papadakis
The Left	Konstantinos Arvanitis, Clare Daly, Miguel Urbán Crespo

1	0
PPE	Nadine Morano

Key to symbols:

+ : in favour
- : against
0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU	
References	COM(2022)0457 – C9-0309/2022 – 2022/0277(COD)	
Date submitted to Parliament	16.9.2022	
Committee responsible	CULT	
Date announced in plenary	17.10.2022	
Committees asked for opinions	IMCO	LIBE
Date announced in plenary	17.10.2022	17.10.2022
Associated committees	LIBE	IMCO
Date announced in plenary	16.3.2023	16.3.2023
Rapporteurs	Sabine Verheyen	
Date appointed	9.2.2023	
Discussed in committee	28.3.2023	26.4.2023
Date adopted	7.9.2023	
Result of final vote	+:	24
	–:	3

	0: 4
Members present for the final vote	Asim Ademov, Christine Anderson, Andrea Bocskor, Ilana Cicurel, Laurence Farreng, Tomasz Frankowski, Catherine Griset, Sylvie Guillaume, Hannes Heide, Irena Joveva, Niyazi Kizilyürek, Predrag Fred Matić, Martina Michels, Niklas Nienass, Diana Riba i Giner, Monica Semedo, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Milan Zver
Substitutes present for the final vote	Isabella Adinolfi, Vilija Blinkevičiūtė, Ibán García Del Blanco, Chiara Gemma, Marcel Kolaja
Substitutes under Rule 209(7) present for the final vote	Clara Aguilera, Delara Burkhardt, Margarita de la Pisa Carrión, Angel Dzhambazki, Niclas Herbst, Alessandro Panza
Date tabled	12.9.2023

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

24	+
PPE	Asim Ademov, Isabella Adinolfi, Tomasz Frankowski, Niclas Herbst, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Milan Zver
Renew	Ilana Cicurel, Laurence Farreng, Irena Joveva, Monica Semedo
S&D	Clara Aguilera, Vilija Blinkevičiūtė, Delara Burkhardt, Ibán García Del Blanco, Sylvie Guillaume, Hannes Heide, Predrag Fred Matić
The Left	Niyazi Kizilyürek, Martina Michels
Verts/ALE	Marcel Kolaja, Niklas Nienass, Diana Riba i Giner

3	-
ID	Christine Anderson, Catherine Griset
NI	Andrea Bocskor

4	0
ECR	Angel Dzhambazki, Chiara Gemma, Margarita de la Pisa Carrión
ID	Alessandro Panza

Key to symbols:

+ : in favour
- : against
0 : abstention

European Parliament
2019-2024

Committee on Civil Liberties, Justice and Home Affairs

2022/0277(COD)

20.7.2023

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Culture and Education

on the proposal for a directive of the European Parliament and of the Council Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Rapporteur for opinion (*): Ramona Strugariu

(*) Associated Committee: Rule 57 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

Media freedom and media pluralism are the backbone of any functioning democracy under the rule of law. In spite of the increasingly important role that media plays in our society, the space for independent journalism, media freedom and media pluralism in Europe has become more and more challenging. Journalists, editors and publishers have been experiencing increasing pressure from the state and its representatives, as well as from powerful business individuals and entities. According to the results of the 2022 Media Pluralism Monitor, the state of market plurality, social inclusiveness and political independence, have all scored a medium to high risk. Finally, challenges and threats to media freedom and media pluralism have started to emerge irrespective of the geographical areas of the Union. This has demonstrated the need for a common European solution.

This Regulation aims to create a better environment for media in the European Union by laying down a set of clear legally binding and legally opposable principles. Rather than aiming to regulate a sector, which has traditionally relied on self-regulation, this Act aims to give media the tools it needs to withstand the pressure and challenges it is currently facing. The amendments submitted by the LIBE rapporteur therefore aim to strengthen the proposal, reinforcing the space for media and allowing citizens to fully exercise their civil rights and liberties guaranteed in our Union.

The Council of Europe through its soft-law and through the jurisprudence of the European Court for Human Rights, has established high standards of protection for the journalists not to be obliged to disclose their sources, unless in presence of a truly exceptional situation. Nevertheless, practice has revealed that in various Member States, these soft-law standards are not observed. Furthermore, recent revelations confirmed public authorities having deployed spyware and surveillance technologies against journalists, in particular for accessing their sources. An adequate level of protection for journalistic sources and a clear ban on the use of spyware or surveillance technologies against journalists, media companies, their families or their professional network is therefore a prerequisite of media freedom and pluralism. The aim is therefore to bring more of the already established soft-law standards to legally binding provisions throughout the Union. Such measures should only be disposed by a judge, in presence of an overriding public interest, in a

proportionate manner that balances such infringements on journalists rights and freedom of expression with the need to obtain that information by the public authorities.

Public service media represents a special category within the media landscape because of their proximity to the state authorities. Adequate and predictable levels of funding, allocated through fair, proportionate and transparent procedures, as well as ensuring the independence of their management boards are essential to allowing public service media to serve their information aim and conduct their operations in absence of political or private influence.

As the media market becomes increasingly cross-border and the challenges arising often involve situations relevant to multiple Member States, it is only natural that the current ERGA evolves into an independent European Board for Media Services, able to assess situations that may impact media freedom and media pluralism throughout the Union and its Member States. As national regulatory authorities and bodies do not traditionally have competences over the published press and do not intend to develop their competences in that field, the Board should be assisted by representatives of the self-regulatory bodies and journalistic associations, when its decisions or discussions have an impact on the functioning of this sector. Furthermore, the Board should be able to coordinate national regulatory authorities and bodies in what concerns the measures disposed to counter malign foreign interference against democracy through media service providers established or originating outside the Union, ensuring that such measures have a legal basis, are proportionate and taken in due time.

The increasingly digitalised environment for media as well as the dominance of digital actors on the ability of media to reach consumers have rendered the need to establish a fair level-playing field for the actors active on the internal media market. Journalistic content distributed through the digital means, going through a process of editorial review, should not be suspended by large online players based on their own rules. Prior notifications should therefore be issued to media service providers ahead of content being suspended or deleted and a system of self-declaration should allow media service providers to identify themselves in the relation with online gatekeepers.

Another aspect that creates challenges to the space for media and distorts the internal media market is represented by market concentration that significantly impacts media pluralism. Media market concentration should not always be regarded as negative, allowing smaller media outlets to pull resources together and ensure economic sustainability. Nevertheless, when they affect editorial independence and media pluralism, this has negative consequences both on the internal market, as on the state of the rule of law and democracy. It is therefore essential that they are independently assessed in order to prevent negative consequences to media freedom and media pluralism. Such assessments should be made taking into consideration the entirety of the media market, comprising the online sphere, while also referring to the results of the annual Commission Rule of Law Report or of risk assessment instruments such as the Media Pluralism Monitor.

Finally, an aspect that has great potential in distorting competition on the media market and in enhancing the vulnerabilities of media actors is state advertising. The unfair, disproportionate and biased use of state advertising gives certain players an unfair advantage on the market and forces other to leave it, contributing to a restricted presentation of information for the citizens. Recent emergency situations have proven that allocations related to the transmission of emergency messages in critical situations such as the COVID-19 pandemic can have a similar effect. All such allocations of public resources should be transparent, proportionate, fair and impartial.

The Media Freedom Act aims to ensure a safe and fair environment for media to operate. Through the amendments tabled, the LIBE rapporteur aims to strengthen this space by setting high standards in what concerns the protection of journalists against the disclosure of their sources and against the deployment of spyware and surveillance technologies. The ultimate aim of these amendments is to equip media workers with the right tools allowing them to counter external influence and pressure, whether this is political, exercised by state bodies and representatives, or private, exercised by powerful business individuals and entities. An optimal space for media cannot exist in the absence of clear rules concerning media ownership transparency, the fair distribution of state resources, a level-playing field in the relationship with online players such as platforms or in absence of legally binding principles setting minimum standards of protection across the Union. The rapporteur aims to encourage media to foster common self-regulatory standards in what concerns the guarantees for editorial independence and the production of trustworthy information. Media freedom and media pluralism are the ultimate guarantee of a free and democratic society that is based on the rule of law

and where citizens can exercise their civil rights and freedoms. It is only by enhancing these aspects that the society based on the values of our Union can remain strong and resilient, especially in light of current and upcoming domestic and international challenges.

Dissenting position

The rapporteur takes note that at the end of the vote in LIBE, ECR shadow rapporteur MEP Cristian Terheş expressed the following dissenting position:

"As the ECR shadow rapporteur and LIBE Member, I hereby present a dissenting opinion on the LIBE Draft Opinion concerning the European Media Freedom Act Regulation:

The primary reason for dissent is that this would mark the first EU legislative act that enables surveillance on journalists and media service providers. This Regulation should have aimed to protect journalists from surveillance rather than facilitate it. The dangerous precedent set forth will have unforeseeable adverse effects on democracy and freedom of speech throughout the EU.

Additionally, the draft opinion regulates excessively in an area where self-regulation should be the standard. This Regulation creates an excessive amount of bureaucracy and administrative tasks for a profession that, by its very nature, is governed by freedom.

Finally, this Regulation establishes numerous institutional layers to oversee media service providers, which will undermine the freedom of the press and journalists. While governments and political coalitions may change, the freedom of the media must be safeguarded regardless of who holds power at any given moment. Journalists must be able to scrutinize public life without requiring prior approval from any authority to exercise their profession. Liberty and democracy in the EU depend on a free, not surveilled press!"

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Culture and

Education, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of 'public watchdog'. Media services are increasingly available online and across borders ***while*** they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest ***and the*** function of 'public watchdog'***, therefore ensuring their acces to relevant information is an essential element***. Media services are increasingly available online and ***subject to ever more intense marketisation. They are also increasingly available*** across borders ***and*** they are not subject to the same rules and the same level of protection in different Member States.

Amendment 2

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-	(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-

functioning internal market for media services (or 'internal media market'). ***This market*** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.	functioning internal market for media services (or 'internal media market'). ***While the scope of this Regulation is limited to the regulation of the internal*** market ***features of media services, it should be noted that the protection of media freedom and pluralism is a prerequisite for functional democracy. The environment for media services*** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

Amendment 3

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services ***and*** amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media	(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting***, as new technologies and applications render media content easily accessible even to users who do not speak the language in which the content was produced***. Global online platforms ***and online search engines*** act as gateways to media content, with business models that tend to disintermediate access to media services ***tend to*** amplify polarising content and disinformation***. Moreover online platforms are structured to facilitate***

services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.	***instantaneous feedback loops in order to drive constant engagement, which facilitates more rapid and deeper polarisation than traditional media***. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important. ***Furthermore, the decrease in funding from advertising available to traditional media has accelerated the decline of quality journalism. Notwithstanding the fact that media is considered as a crucial pillar of democracy, Member States governments have not in any substantial way stepped in to make funding available on a no-strings-attached basis to traditional media to support quality investigative or other journalism.***

Amendment 4

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) A free and well-functioning internal market for media services is also an essential pillar of a functioning democracy, by providing access to a plurality of views and trustworthy sources of information to the consumers. The increased role of the online environment

	and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a true European market for media services. In this environment, media content is not only available but also easily accessible to European consumers irrespective of their Member State of origin. Media content created for consumers in one Member State is able to reach far further than initially intended. The ability of media service providers to operate in a fair level-playing field environment in order to make news and current affairs information available to the European citizens is hampered by divergent approaches at national level. These approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media companies and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that European consumers have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies.

Amendment 5

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5 b) The right to freedom of expression and information, enshrined in Article 11 of the Charter and in Article 10 of the

	Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information as well as the freedom and pluralism of the media. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights (ECHR) and builds upon the standards developed by the Council of Europe in this regard.

Amendment 6

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) ***Recipients of media services in the*** Union ***(***natural persons who ***are nationals of Member States or*** benefit from rights conferred upon them by Union law and legal persons established in the Union***)*** should be able to effectively enjoy the freedom to ***receive*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum	(6) Union ***citizens or*** natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union should be able to effectively enjoy the freedom to ***have access to independent,*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .

standards[46] .

[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Amendment 7

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6 a) The media environment is undergoing major and fast changes. In this regard, the role of the media in a democratic society has not changed, but media have additional tools to facilitate interaction and engagement. Media-related policy must take these and future developments into account. Therefore, this Regulation should adopt a broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks), while retaining (in all these cases) editorial responsibility or oversight of the contents. Such a notion should include, but not be limited to print media, broadcast media, non-linear audiovisual media, online newspapers, news websites, online news portals, online news archives, print and online publishers, journalists, including those in non-standard forms of

	employment such as free-lancing and independent journalism other public watchdogs reporting on matters of public interest.

Amendment 8

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.*** Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.	(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity***, for which normally remuneration is provided also including non-standard forms of employment, such as free-lancing and independent journalism***. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Amendment 9

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role ***in the*** content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, ***in the increasingly convergent media environment, some*** providers of video-sharing platforms or very large online platforms ***have started to*** exercise editorial control over ***a section or sections of*** their services. Therefore, ***such an entity*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms***,*** or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role ***in*** content organisation, including by automated means or algorithms, but ***claim they*** do not exercise editorial responsibility over the content to which they provide access. However, ***many*** providers of video-sharing platforms or very large online platforms exercise editorial control over their services. Therefore, ***when such entities exercise editorial control, whether via algorithm or otherwise, they*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 10

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8 a) On the other hand, online platform's capacity to offer content without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they

	intermediate and distribute. Given the transfer of economic value in favour of online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition.

Amendment 11

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. ***Systems developed outside of commonly agreed industry standards should be considered proprietary audience measurment systems.*** Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. ***Media service providers which abide by the commonly agreed industry standards***

	shall not be considered as providers of proprietary audience measurement systems.

Amendment 12

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants***. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals***.***	(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including ***European Union institutions or bodies,*** governments, regulatory authorities or bodies ***, political parties receiving public funding,*** as well as state-owned enterprises or other state-controlled entities in different sectors, at national***,*** regional, or local ***level***. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals

Amendment 13

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission	*Amendment*
	(10 a) Emergency messages by public authorities should be understood broadly as different from state advertising and should refer to messages or information campaigns conducted by the public authorities in emergency situations such as cases of natural or sanitary disasters, accidents or any other sudden incidents or critical situations that can cause harm to individuals. Such messages may be conducted on behalf of a wide variety of public authorities or entities, including central or local governmental institutions, regulatory authorities or bodies, as well as state owned or state controlled enterprises and entities in different sectors, at national, regional or local level.

Amendment 14

Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission	*Amendment*
	(10 b) For the purposes of allocation of state advertising and other financial support including in cases of natural or sanitary disasters, accidents or other unforeseen, major incidents that can cause harm to significant portions of the population, criteria should be laid down in advance by national law. Such emergency messages should not be exempted from transparency obligations. Besides, state advertising is only one form of financial support for media that may include also direct subsidies in the form of

	direct state support awarded to media service providers, tax advantages, reductions to taxes or full tax exemptions for the media sector, state advertising, project-based support schemes funding covering specific needs of media outlets, such as training and skills development, upgrade of technology or facilities, or restructuring processes.

Amendment 15
Proposal for a regulation
Recital 10 c (new)

Text proposed by the Commission	*Amendment*
	(10 c)Spyware should be understood as covering all forms of malicious software that spy on user's activities without their knowledge or consent, such as keylogging, activity monitoring and data collections, secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, as well as other forms of data theft, including through impersonating the targeted person by gaining access to their digital credentials and identity. The deployment of spyware leaves few or no traces on the target's device, and even in cases where it is detected, it is difficult to prove who was responsible for the attack.

Amendment 16

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. ***Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.*** Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.	(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists***, editors-in-chief*** and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Amendment 17

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence ***is especially important for media service providers providing news and current affairs***	(14) ***Information of general interest is a public good.*** The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. ***In order to guarantee an independent and pluralistic media it is of key importance to***

content given its societal role as a public good. Media service providers should be able to exercise their ***economic*** activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.	***put in place the necessary measures to create a safe environment that allows journalists to exercise*** editorial independence***. Journalists, including freelancers and self-employed journalists, as well as other*** media service providers should be able to exercise their activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment 18

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Member States have taken different approaches to the protection of editorial independence, which ***is increasingly*** challenged across the Union. In particular, there is ***growing interference with*** editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member	(15) Member States have taken different approaches to the protection of editorial independence, which ***has been*** challenged ***for many years*** across the Union. In particular, there is ***longstanding pressure on*** editorial decisions of media service providers in several Member States. Such interference ***represents an infringement of the rule of law and*** can be direct or indirect, from the State or other actors, ***Union and its institutions and agencies,*** including ***business representatives,*** public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends

States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.	in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

Amendment 19

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) According to the Council of Europe Resolution 1003 (1993), on Ethics of journalism, inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. These requirements are such that it is necessary to reinforce the safeguards of the journalist's freedom of expression, for they must in the last instance operate as

	the ultimate sources of information. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal pressures guarded against.

Amendment 20

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) Journalists and editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection ***of*** journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their ***economic*** activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***contributes to*** the protection of the fundamental right enshrined in Article 11 of the Charter.	(16) Journalists, ***editors-in-chief,*** editors***, and media workers*** are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers***, media workers*** and journalists (including those operating in non-standard forms of employment, such as freelancers ***and bloggers***) should be able to rely on a robust protection***s for*** journalistic sources and communications, including against ***arbitrary interferences and*** deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' ***and media workers'*** freedom ***of expression and capacity*** to exercise their activity and ***to*** fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***is a precondition for*** the protection of the fundamental right enshrined in Article 11

	of the Charter ***and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies***.

Amendment 21

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16 a) Upholding the rule of law in the Union is essential for the functioning of healthy democracies in the Member States. Union instruments for this purpose have expanded to include besides the Article 7 TEU procedure, new frameworks such as the Commission Annual Rule of Law Report and Regulation 2020/2092. The functionality of rule of law systems is directly interlinked with a free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and their state is examined annually through the framework of the Commission annual Rule of Law Report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as those referred to in Article 4.2 of this Regulation severely damage the rule of law and therefore should be considered breaches of the principles of the rule of law, thus triggering sanctioning mechanisms provided for by Union law under the abovementioned frameworks.

Amendment 22

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(16 b) Surveillance methods deployed against journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques might gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation should therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy.

Amendment 23

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. As a result, journalists, ***which*** work increasingly on cross-border projects and provide ***their services*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.	(17) The protection of journalistic sources ***and communication*** is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, which ***who*** work increasingly on cross-border projects and provide ***information*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level***, without weakening the current protection in any Member State and building up from already established soft law by the Council of Europe and the European Court of Human Rights, in accordance with Article 52(1) of the Charter and in compliance with other Union Law***. ***In order to offer an adequate protection to journalistic sources, measures disposing interference with journalistic sources should be, ex ante,***

	ordered exclusively by an independent and impartial judicial authority. Such measures should only be ordered at the request of an individual or body with a direct legitimate interest, and who has exhausted all reasonable alternatives to protect that interest, only if there is an overriding requirement in the public interest provided for in national law, the information sought is essential for investigations of serious crimes, there are no other alternatives for obtaining the information sought and the interference with journalists' rights is proportionate and prescribed by law. The interest in interfering with journalistic sources should always be balanced against the harm to freedom of expression and information. Any such measures should be subject to appeal in a court. Journalists working on cross-border projects should benefit from the highest protection standards of the Member States involved. The protection of journalistic sources and communications should correspond, as minimum, to the protection as provided in accordance with international and European standards as well as the case law from the CJEU and the ECtHR.

Amendment 24

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) An independent authority or body designated to handle complaints lodged by media service providers or, if applicable, their family members, their employees (including those operating in non-standard forms of employment such

	as free-lancers and self-employed) or their family members, should be protected from any direct or indirect external influence. Such authority or body should have the necessary financial resources and relevant expertise, given the highly technical nature and sophistication of the surveillance measures. Furthermore, it should cooperate with other relevant supervisory authorities, such as data protection authorities, each acting within their respective areas of competence.

Amendment 25

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information ***and*** impartial media coverage, as part of their ***mission***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to ***universal and varied offers including*** quality information ***, pluralistic*** impartial ***and independent*** media coverage, as part of their ***remit. They provide a forum for public discussion and a means of promoting broader democratic participation of individuals. That is why, media pluralism can only be guaranteed by a proper political balance in the content of public service media***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive***, which may expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their very***

place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning***. Preferably,*** such funding should be decided and appropriated on a multi-year basis, in line with the public service ***mission*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

existence. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services***. Furthermore, in the absence of harmonised minimum standards, Member States have taken divergent measures that resulted in the fragmentation of the internal media market. This fragmentation may create legal uncertainty and an unfair level playing-field deterring private media services providers from entering the market***. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***remit*** that enables predictability in their planning ***and allows them to maintain a competitive position on the internal media market.*** Such funding should be decided and appropriated on ***the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on*** a multi-year basis ***and determined according to transparent and objective criteria***, in line with the public service ***remit*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The ***absence of harmonisation in what concerns the allocation of finances to public service media providers may create an unfair advantage for certain players in the internal media market, including advertisers and thus produce significant distortions to the internal media market.***

	The requirements laid down in this Regulation do not affect the ***application of the State aid rules as applied on a case-by-case basis or the*** competence of Member States to ***define a broad and dynamic remit, organise and*** provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Amendment 26

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the ***news*** media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ***Such*** transparency is also an effective tool to limit risks of interference with editorial independence. It is ***thus*** necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849[49] should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly	(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ***It is thus important for media service providers to disclose its sources of funding by making publicly available information regarding advertisers, sponsors, large donors or the provision of political advertising services, which in addition to*** transparency ***of ownership measures*** is also an effective tool to limit risks of interference with editorial independence. It is necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information***, as well as information on advertisers, sponsors,***

accessible.	***large donors or the provision of political advertising services, including the information on their parent and sister companies and details, if applicable, of their contracts with state bodies***. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 [49] should not be affected. The required information ***for transparency of media ownership*** should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible. ***Establishing a National Repository of Media Ownership operated by national regulatory authorities or bodies, as well as a European Repository of Media Ownership operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services.***
_____	_____
[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).	[49] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Amendment 27

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19 a) Transparency of media ownership is the precondition to a fuller understanding of media ownership in Europe and makes media pluralism effective. A media ownership database serves as a one stop shop for citizens and other stakeholders with information mapping the ownership structures in the market and constitutes a valuable resource for citizens and a wide range of stakeholders, but collecting such information in a comprehensive manner remains a challenge. Therefore, Member States and the Board actively participate in information gathering, updating and dissemination activities relating to media-ownership issues.

Amendment 28

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, once the overall editorial line has been agreed between their owners ***and*** editors, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield ***editors*** from undue interference ***in their decisions taken on specific pieces of content as part of their everyday work***	(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt ***the*** proportionate measures ***they deem appropriate, in a self-regulatory manner,*** to guarantee, once the overall editorial line has been agreed between their owners***, relevant stakeholders such as publishers,*** editors ***and editors-in-chief***, the freedom of the editors to take individual decisions in the course of their professional activity. ***This should be done***

contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.	***without prejudice to the possibility for owners or legally liable entities to consult with editors and editors-in-chief, in the process of taking the editorial decisions. In order to guarantee editorial independence, no owner or other corporate manager should unduely interfere with the work of editors and editors-in-chief such as by imposing to add or remove content before it is made available to the public.*** The objective to shield ***editorial decisions*** from undue interference ***from owners or other company management*** contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest ***, including in particular business interests and political affiliations,*** to their service recipients. ***This should not affect the right of the owner to also hold a controlling editorial position, to set and change an editorial line and to determine the staffing and organisation of editorial teams.***

Amendment 29

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) ***To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[50]***	(21) Media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the

should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation[51] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.	meaning of that Article. The Recommendation that accompanies this Regulation [51] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.
_____	_____
[50] ***Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).***	[50] ***deleted***
[51] OJ C , , p. .	[51] OJ C , , p. .

Amendment 30

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.	(22) Independent national regulatory authorities or bodies are key for ***media pluralism and media freedom and*** the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation***. They are the primary enforcers and guardians of media freedom and pluralism at the national level. As independent regulatory authorities, they should be able to set their own priorities guided by the general interest of safeguarding media pluralism and freedom and decide independently about the allocation of their resources. Their decisions should respect the European Charter of Fundamental Rights, in particular Article 11 thereof***. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be

transposed by Member States and is addressed to the institutions of the Union. ***Considering that press publications are traditionally not subject to regulatory oversight, the interaction between press publications and national regulatory authorities sitting in the Board, should be strictly limited to the purpose of implementing Chapter III of this Regulation. "Media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.***

Amendment 31

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission	*Amendment*
	(22 a) Given the importance and the extensive nature of the new tasks conferred by this Regulation to independent national regulatory authorities or bodies, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the

	NRA should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organisation, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, NRAs should have allocated a separated annual budget. Member states should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the NRAs should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public.

Amendment 32

Proposal for a regulation
Recital 22 b (new)

Text proposed by the Commission	*Amendment*
	(22 b) National regulatory authorities or bodies established in accordance with Directive 2010/13/EU uphold a media ownership database in order to ensure the public interest because the media helps form public

	opinion and has direct influence on the outcome of elections. The Commission provides guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Amendment 33

Proposal for a regulation
Recital 22 c (new)

Text proposed by the Commission	*Amendment*
	(22 c) Where there is lack of certainty in the information provided, raised by national regulatory authorities or bodies, or experts, representatives of civil society or journalistic organisations, the Board may request further information from media service providers, including on any possible influence on its operation, general editorial line and strategic decision-making from advertisers, sponsors, donors of private or commercial nature or political parties providing remuneration or financial resources to the media service provider.

Amendment 34

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, ***in agreement with the Commission,*** experts and observers, ***including*** in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.	(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies ***or, where applicable, a common representative of self-regulatory or co-regulatory systems*** to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, experts and observers, ***established within the Union. When such experts are established outside the Union and include*** in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities***, such decisions should be taken only in agreement with the Commission***. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes. ***The Board should be represented by a Chair and four Vice-Chairs. The election of the Chair and Vice-Chairs should take into account the principle of geographical balance.***

Amendment 35

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23 a) Taking into account that the members of the Board are representatives of national audiovisual regulatory authorities and bodies and considering that press publications and the audio sector are traditionally not subject to regulatory oversight, when its discussions or decisions concern the non-audiovisual media sector, the Board should consult and take advice from an independent body of experts, representing the non-audiovisual media sector. For this purpose, the Board should establish the Non-Audiovisual Media Expert Group. The Expert Group should entail a number of non-audiovisual media experts to be laid down in the Board Rules of Procedure. The Expert Group should entail members from every Member State as well as a number of representatives from the European media sector organisations. Such representatives should be members of self-regulatory bodies, media-sector civil society or journalistic organisations, or other relevant stakeholders for the media sector such as publishers, advertisers, or academics.

Amendment 36

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***in agreement with the Commission or upon its*** request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***a*** secretariat ***provided by the Commission. The Commission*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.	(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***at its own initiative, upon the Commission's*** request ***, or at the request of the European Parliament*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***an independent*** secretariat***. The*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks. ***The secretariat should be provided with sufficient budgetary and human resources. The Board should have the expertise and resources necessary to provide its opinion in cases where it finds that media freedom and pluralism, or editorial independence are systematically undermined in a Member State either by national measures of the respective Member State or decisions of its National Regulatory Authority or body, or due to other reasons. In its opinions the Board should take due account of various sources of information, in particular the decisions of the respective National Regulatory Authority or body, submissions by civil society organisations***

	and other available sources including the results of the Commission Annual Rule of Law Report or ofmedia pluralism monitoring instruments. In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, and without prejudice to the competences of the Member States and the institutions of the Union, the Board, in consultation with the Commission, might cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations. To that end, the Board might, subject to prior approval by the Commission, establish working arrangements.

Amendment 37

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.	(26) ***The European Regulators' Group for Audiovisual Media Services adopted in 2020 a Memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order*** to ensure the ***comprehensive and*** effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory

authorities or bodies to cooperate effectively and efficiently.

Amendment 38

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council[53] are met and following the procedure set out therein.	(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular***, and without prejudice to the country-of-origin principle***, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council [53] are met and following the procedure set out therein.
_____	_____
[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).	[53] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

Amendment 39

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring ***a consistent regulatory practice regarding*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ***It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership.***	(28) Ensuring ***an effective application of*** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field.

In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Amendment 40

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the ***Union*** that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the ***coordination*** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue	(30) ***National*** regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established ***or originating from, funded or owned by state and non-state actors from*** outside the ***EU but under jurisdiction of an EU Member State through the Directive 2010/13/EU satellite criteria or established in the EU) irrespective of the means of distribution or access,*** that target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to ***national and*** public security and defence***, public health, incite to violence, hatred or promote terrorist activities, including committing terrorist acts***. In this regard, the ***cooperation*** between national regulatory authorities or bodies to face together possible public

to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, ***in agreement with the Commission,*** to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.	security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter ***national and*** public security and defence threats by media services established ***or originating from, funded or owned by state and non-state actors from*** outside of the Union and targeting audiences in the Union, including the possibility for the Board, to issue opinions on such measures***, at its own initiative or at the request of a national regulatory authority***, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 41

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission	*Amendment*
	(30 a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 42

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission	*Amendment*
	(30 b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and in line with international and European standards, therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Amendment 43

Proposal for a regulation
Recital 30 c (new)

Text proposed by the Commission	*Amendment*
	(30 c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the media service providers established or originating from, funded or owned by state and non-state actors from outside the Union and the service provided. These criteria should be used by national regulatory authorities or bodies when a media service provider originating from outside of the Union seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, appears to pose serious and grave risks to national security and

	defence. The criteria should inter alia cover content, ownership, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanism governing editorial standards in one or more Member States. These criteria should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Amendment 44

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***or*** self-regulatory ***requirements*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content ***provided*** by such media service providers is incompatible with their terms and	(31) Very large online platforms act for many users as a gateway for access to media services***, in particular when providing access to news and current affairs information***. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***requirements and*** self-regulatory ***commitments*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online

conditions, while it is not contributing to a systemic risk referred to in Article 26 of ***Regulation (EU) 2022/XXX [the Digital Services Act]***, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should ***endeavour to*** submit the statement of reasons ***prior to the restriction taking effect*** without prejudice to their obligations under Regulation (EU) ***2022/XXX [the Digital Services Act]***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/XXX [the Digital Services Act]***.

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[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

platforms ***providing access to news and current affairs information*** consider that content ***uploaded*** by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of ***Regulation 2022/2065 of the European Parliament and of the Council[1a]***, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) ***2022/2065*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should submit the ***detailed*** statement of reasons ***without undue delay and*** without prejudice to their obligations under Regulation (EU) ***2022/2065***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/2065***.

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[1a] [1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

[54] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

Amendment 45

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that ***where*** media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.	(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that ***complaints against unjustified removals of content made by representative bodies of*** media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay***, in accordance with Regulation (EU) 2022/2065***.

Amendment 46

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of	(33) To this end, providers of very large online platforms ***and very large online search engines, which provide access to news and current affairs information,*** should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. ***Media service providers should have the possibility to appeal against the refusal of*** providers of very large online platforms ***or***

conduct. Guidelines by the Commission ***may*** be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.	***very large online search engines to accept their declaration. Providers of very large online platforms and very large search engines*** may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative***, the recognition of audiovisual media service providers by national regulatory authorities, self-regulation mechanisms*** or other relevant codes of conduct. Guidelines ***issued*** by the Commission ***, under the form of a delegated act, should*** be useful to facilitate an effective implementation of such functionality, including on ***the template of the self declaration, the*** modalities of involvement of relevant civil society ***or self-regulatory*** organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 47

Proposal for a regulation
Recital 34 a (new)

Text proposed by the Commission	*Amendment*
	(34 a) Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from taking measures such as down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law.

Amendment 48

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers ***that respect standards of credibility and transparency and that consider that restrictions on their*** content ***are frequently imposed by providers of very large online platforms without sufficient grounds***, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers ***where audits undertaken pursuant to Article 37 of Regulation (EU) 2022/2065 demonstrate that a VLOP's*** content ***moderation practices are negatively impacting freedom and pluralism of the media***, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms ***and very large online search engines*** should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Amendment 49

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms**,** representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large

online platforms**,** discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor ***adherence to*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/XXX [Digital Services Act]*** and may ask the Board to support it to this effect.	online platforms discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor ***compliance with*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ***2022/2065*** and may ask the Board to support it to this effect. ***The results of the dialogue should be made available to the European Parliament upon its request.***

Amendment 50

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly	(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to ***their preferences customise and easily access*** their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices ***, such as remote controls,*** or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions , ***connected cars, smart speakers*** and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts,

incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to ***change***, in a simple and user-friendly manner, the default ***settings*** of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.	applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to ***customise,*** in a simple and user-friendly manner, the default ***layout*** of a device or user interface controlling ***such as a remote control or the home screen*** and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

Amendment 51

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37 a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or on-line platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily

	identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Amendment 52

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can ***negatively*** affect ***the operation*** of media service providers in the internal market***. They include***, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***; they also include decisions*** related to licensing, authorisation or prior notification for media service providers. In order to ***mitigate their potential negative impact on the functioning of the internal market for media services and*** enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.	(38) Different legislative, regulatory or administrative measures can affect ***and restrict the media pluralism and editorial independence by restricting the possibility*** of media service providers in the internal market ***to provide access to a plurality of views and to reliable sources of information. Such measures can take various forms***, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***, the disproportionate or distorted implementation at national level of minimum requirements foreseen in Directive 2010/13/EU, which can create new barriers or obstacles in the internal market, or*** decisions related to licensing, authorisation or prior notification for media service providers. In order to enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Amendment 53

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, ***or when the concerned*** media service provider ***has a significant influence on the formation of public opinion in that*** Member State.	(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, ***when it is preventing a*** media service provider ***established in one Member State from providing media services in another*** Member State. ***Any media service provider considering to be directly affected by such a measure should be able to request the Board to issue an opinion on such measures.***

Amendment 54

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) Media play a decisive role in shaping public opinion and ***helping citizens participate in*** democratic ***processes***. This is why Member States should provide for rules and procedures in their legal systems to ensure ***assessment of media market*** concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and	(40) Media play a decisive role in shaping public opinion and ***can contribute to a*** democratic ***public sphere, when well-functioning and living up to normative standards, including as regards topic selection. Moreover, providers of very large online platforms and of very large online search engines play a significant role in the access to information and in***

procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.

the presentation of this information to the consumers. Concentration of ownership of the media system can create an environment favouring the monopolisation of the advertising market, introduce barriers to the entry of new market players and also lead to uniformity of media content. This is why Member States should provide for rules and procedures in their legal systems to ensure ***ex-ante and ex-post quality assessments of*** concentrations ***affecting the media market*** that could have a significant impact on media pluralism or editorial independence***, in its entirety, including the providers of very large online platforms and very large online search engines, as well as public service media, including existing concentrations at the time of entry into force of this Regulation***. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, ***including by means of carrying content provided by media service providers or by controlling access and visibility to such content,*** within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction ***in access to a variety*** views within that market as a result of the concentration. ***Therefore, taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free***

	competition, a level playing field and pluralism. A detailed assessment of such media market concentrations capable of distorting media pluralism and competition should always be made by the competent national regulatory authorities or other bodies without any political interference.

Amendment 55

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of ***the impact of*** media market ***concentrations*** on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.	(41) National regulatory authorities or bodies, ***as well as press self-regulatory bodies or civil society organisations*** who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of ***concentrations affecting*** media market ***that could have an impact*** on media pluralism and editorial independence ***including existing concentrations at the time of entry into force of this Regulation,*** where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.

Amendment 56

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessment of the impact of media market*** concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.	(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessments of*** concentrations ***affecting the media market that could have an impact*** on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.
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[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).	[55] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

Amendment 57

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) The Board should ***be empowered to*** provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***where the notifiable*** concentrations ***may affect the functioning of the internal*** media market***. This would be the case, for example, where such*** concentrations ***involve at least one undertaking established in another Member State or operating in more than one Member State or result in*** media ***service providers having a significant influence on formation of public opinion in a given media market***. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.	(43) The Board should provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***at its own initiative, or upon request, and conduct assessments of*** concentrations ***affecting the*** media market ***that could have a significant impact on media pluralism and editorial independence, including existing*** concentrations ***at the entry into force of the present Regulation. Democratic processes across the EU are rooted in national*** media ***markets, whereas national democratic processes spill over to EU level governance. Accordingly, it is necessary to have appropriate measures to enforce and protect democratic processes both at national and EU level***. Moreover, ***the Board should provide an assessment*** where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, ***at its own initiative or if the Board agrees*** upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 58

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.	(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria ***as well as the criteria that should take precedence or prevail in case of conflicts***. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***Furthermore, the results of the annual Commission Rule of Law report presented in the chapters on press freedom as well as the risk assessment made annually by instruments such as the Media Pluralism Monitor and any country specific recommendations on media pluralism and media freedom should be considered in determining the overall climate for media and the effects of the concentration in question over media pluralism and editorial independence, under these specific conditions.*** In assessing the potential impacts, the effects of the concentration in question on the

	economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment 59

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.	(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production***, buying, planning or selling*** of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions ***, which should be in compliance with EU data protection and privacy rules***. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of

opportunities for media service providers in the market.

Amendment 60

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested ***and to the extent possible***, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/XX*** [Digital Markets Act], including those concerning ranking or self-preferencing.	(46) In order to enhance the verifiability***, comparability*** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to ***audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights read in conjunction with Regulation 2016/679 (General Data Protection Regulation) as well as to*** any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ***2022/1925*** [Digital Markets Act], including those concerning ranking or self-preferencing.

Amendment 61

Proposal for a regulation
Recital 47

Text proposed by the Commission	*Amendment*
(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders ***and notably media service providers***, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.	(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***together with media service providers and/or their representatives, civil society organisations and other relevant stakeholders*** can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry ***with the support of national regulatory authorities or bodies*** to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders ***mentioned above***, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment 62

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) ***State*** advertising ***is*** an important source of revenue for many media service providers, ***contributing*** to their economic sustainability. ***Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market.*** Moreover, ***State*** advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services ***and fundamental rights***. Opaque and biased allocation of ***state*** advertising is therefore a powerful tool to exert influence or 'capture' media service providers. The distribution and transparency of ***state*** advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, ***however, may not cover all state advertising expenditure nor*** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council[56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on ***state*** advertising, where they exist, diverge significantly from one Member State to another.	(48) ***Public*** advertising***, financed by public funds, including national governments funding or European Union funding distributed by Member States for the purpose of implementing communication plans as part of EU Operational Programmes or EU Cohesion Policy Programmes and other state financial support are*** an important source of revenue for many media service providers, ***including for providers of very large online platforms and very large online search engines, and contribute*** to their economic sustainability. Moreover, ***public*** advertising ***and other state financial support*** may make media service providers vulnerable to undue state influence to the detriment of ***fundamental rights and*** the freedom to provide services. Opaque and biased allocation of ***public*** advertising ***and other state financial support*** is therefore a powerful tool to exert influence or 'capture' media service providers. ***Furthermore, the unfair allocation of state advertising creates disruptions in the internal media market, creates an unfair level-playing field and deters players on the market to either enter it or to continue their operations in a particular Member State. This is why, in order to address such situations, state advertising allocations directed by a public authority, state-controlled or state-owned enterprise to a single media service provider or provider of a very large online platform or very large online search engine should not exceed 20% of the total budget allocated to state advertising by the said public authority, state-owned or state- controlled enterprise.*** The distribution and transparency of state ***public*** advertising

	and other state financial support are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, ***do not*** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council [56] does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on ***public*** advertising ***or other state financial support***, where they exist, diverge significantly from one Member State to another.
_____	_____
[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).	[56] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Amendment 63

Proposal for a regulation
Recital 48 a (new)

Text proposed by the Commission	*Amendment*
	(48 a) Emergency measures by public authorities are a necessary form of informing the general public about the risks in case of a sanitary or natural disaster, accidents, other sudden incidents or critical situations that may cause harm to individuals. Crisis situations have a great potential of creating new or enhancing existing vulnerabilities in the media sector. Thus,

	the allocation of state funding through the transmission of emergency messages by public authorities is essential to the economic viability of media service providers. In this context, the allocation of state resources for transmitting emergency messages may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Unfair, opaque disproportionate and biased allocations in this regard create unfair advantages for certain players on the market and distort competition, deterring new players from joining the market or determining others to leave the market in a certain Member State. The fair, transparent, proportionate, independent and predictable allocation of such state funding is therefore essential for the well-functioning of the internal market, also having implications on media freedom and the fundamental rights of individuals, including on the right to information. Crises are becoming increasingly cross-border, while rules on such allocations differ from one Member State to another, creating fragmentation and legal uncertainty in the market. Therefore, such allocations should in principle follow the same harmonised rules as those for state advertising, as detailed in this Regulation. Nevertheless, recognising the urgency to take measures during a crisis period, special provisions should apply, allowing state authorities, state-owned or state-controlled companies and entities to comply with reporting obligations once the crisis situation has ended.

Amendment 64

Proposal for a regulation
Recital 49

Text proposed by the Commission	*Amendment*
(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is ***necessary to establish common requirements*** of transparency, objectivity, proportionality and non-discrimination in the allocation of ***state*** advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, ***including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent***. It is important that Member States make the necessary information related to ***state*** advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.	(49) ***Providers of online platforms are increasingly competing with media service providers for the purpose of state advertising and other financial support.*** In order to ensure undistorted competition between media service providers ***and providers of online platforms*** and to avoid the risk of covert subsidies and of undue political influence on the media, ***and on online platforms,*** it is ***of particular importance that fair and transparent rules on the criteria for the allocation of state financial support and state advertising are in place, as well as them being effectively implemented. These criteria should follow principles*** of transparency, objectivity, proportionality and non-discrimination in the allocation of ***public*** advertising***, emergency messages by public authorities*** and of state ***and European Union*** resources to media service providers ***and of providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising, ***or funding for transmitting emergency messages by public authorities***. It is important that Member States make the necessary information ***including beneficiaries and amounts spent,*** related to state ***public*** advertising ***and other state financial support*** publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. ***Establishing a European Repository of Public Funding for Advertising operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information on public advertising for***

	recipients of media services. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 65

Proposal for a regulation
Recital 50

Text proposed by the Commission	*Amendment*
(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level ***and risks of foreign information manipulation and interference***. It should be conducted independently, on the basis of a robust list of ***key performance indicators,*** developed and regularly updated ***by the Commission, in consultation with*** the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular***, the level of cross-border activity and investment***, regulatory cooperation and convergence in media regulation, obstacles to the provision of	(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market ***also*** at national and regional level. It should be conducted independently, on the basis of a robust list of ***criteria*** developed and regularly updated the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market

media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.	should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

Amendment 66

Proposal for a regulation
Recital 51

Text proposed by the Commission	*Amendment*
(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.	(51) ***The Commission should be able to take the necessary actions to monitor the effective implementation of and compliance with the obligations laid down in this Regulation.*** To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is

needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Amendment 67

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law.	3. This Regulation shall not affect the possibility for Member States to adopt more detailed ***or stricter*** rules in the fields covered by Chapter II and Section 5 of Chapter III ***and Article 24 of Section 6 of Chapter III***, provided that those rules comply with Union law.

Amendment 68

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'media service provider' means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) 'media service provider' means a natural or legal person***, including natural persons in non-standard forms of employment, such as free-lancing and independent journalism,*** whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the ***approach and perspective of presenting and delivering the content and the*** manner in which it is organised;

Amendment 69

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission	*Amendment*
	(7 a) 'editor-in-chief' means a natural person who takes or supervises editorial decisions within a media service provider;

Amendment 70

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission	*Amendment*
9. 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;	9. editorial responsibility' means the exercise of effective control both over the selection of the programmes or ***the content of*** press publications, and other media products and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Amendment 71

Proposal for a regulation
Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission	*Amendment*
	(9 a) 'online platform' means a service as defined in Article 3, point (i) of Regulation (EU) 2022/2065;

Amendment 72

Proposal for a regulation
Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission	*Amendment*
	(9 b) 'online search engine' means a service as defined in Article 3, point (j) of Regulation (EU) 2022/2065;

Amendment 73

Proposal for a regulation
Article 2 – paragraph 1 – point 9 c (new)

Text proposed by the Commission	*Amendment*
	(9 c) 'provider of online platform' means a hosting service as defined in article 3 (I) in the of Regulation (EU) 2022/2065;

Amendment 74

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission	*Amendment*
(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***25(4)*** of Regulation (EU) ***2022/XXX*** [Digital Services Act];	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article ***33(4)*** of Regulation (EU) ***2022/2065*** [Digital Services Act];

Amendment 75

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission	*Amendment*
	(10 a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;

Amendment 76

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service ***provider***;	(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one ***party in the media value chain, such as*** media service ***providers, providers of very large online platforms or of very***

large online search engines;

Amendment 77

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation or prices or the related planning, ***production*** or distribution of content;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services ***and users of online platforms*** for the purposes of decisions regarding advertising allocation or prices or the related ***buying,*** planning, ***selling*** or distribution of content;

Amendment 78

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity ***of more***	(15) 'State advertising' means the placement, publication or dissemination, in any media service ***or online platform or search engine that provides media services***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of ***Union institutions or bodies or*** any national or regional ***or local*** public authority, such as national, federal or regional ***and local*** governments, regulatory authorities or bodies as well as

than 1 million inhabitants;	state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity;

Amendment 79

Proposal for a regulation
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) 'Emergency messages by public authorities' means the placement, publication or dissemination, in any media service, of a message of informative nature, considered necessary by the public authorities in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that may cause harm to individuals;

Amendment 80

Proposal for a regulation
Article 2 – paragraph 1 – point 16

Text proposed by the Commission	*Amendment*
(16) 'spyware' means any product with digital elements specially designed to exploit vulnerabilities in other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device,	***(16) 'surveillance technologies'*** means any ***digital, mechanical, or*** other ***instrument/product*** that enables the ***acquisition of information*** by intercepting, monitoring, extracting, collecting or analysing data without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent***, as defined under***

filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;	***Article 7 of Regulation EU 2016/679*** in that regard;

Amendment 81

Proposal for a regulation
Article 2 – paragraph 1 – point 16 a

Text proposed by the Commission	*Amendment*
(16) 'spyware' means any ***product with digital elements specially*** designed to exploit vulnerabilities in ***other*** products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products***, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices***, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;	(16 a)'spyware' means any ***surveillance technology with a high level of intrusiveness resulting in particular from the extensive access it can offer to devices and their functionalities, typically*** designed to exploit vulnerabilities in products with digital elements that enables the ***extensive*** covert surveillance of natural or legal persons***, including retroactively*** by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, ***including*** in ***an indiscriminate manner***, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent ***, as defined under Article 7 of Regulation EU 2016/679*** in that regard;

Amendment 82

Proposal for a regulation
Article 2 – paragraph 1 – point 17 – point a

Text proposed by the Commission	*Amendment*
(a) terrorism,	(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council***,

Amendment 83

Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) 'user interface' means a service or facility that provides a textual or visual overview of audiovisual media services or their content, which serves the purpose of orientating, discovering, finding, selecting or accessing audiovisual content or services by the user;

Amendment 84

Proposal for a regulation
Article 2 – paragraph 1 – point 17 b (new)

Text proposed by the Commission	*Amendment*
	(17 b) 'user interface provider' means a natural or legal person providing a user interface, determining predominantly the design of the overview of audiovisual media services and the

	order or manner in which they are presented to the user.

Amendment 85

Proposal for a regulation
Article 2 – paragraph 1 – point 17 c (new)

Text proposed by the Commission	*Amendment*
	(17 c) "Recipients of media services" means any natural or legal person for whom a "media service", as set out in subparagraph 1 of this paragraph, is intended for.

Amendment 86

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services in the Union shall have the right to ***receive*** a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse.	Recipients of media services in the Union shall have the right to ***have access, in an easily accessible manner, to*** a plurality of ***media services, in particular*** news and current affairs content, produced with respect for editorial freedom of media service providers, ***in absence of any interference, from national authorities and bodies, as well as advertisers, donors, political parties and state and non-state actors from third countries,*** to the benefit of the ***purposes of free and democratic*** public discourse.

Amendment 87

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers shall have the right to exercise their ***economic*** activities in the internal market without restrictions other than those allowed under Union law.	1. Media service providers shall have the right to exercise their activities in the internal market without restrictions other than those allowed under Union law.

Amendment 88

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies***,*** shall not:	2. ***The Union,*** Member States ***and private entities*** shall respect effective editorial freedom ***and independence*** of media service providers. Member States, including their national regulatory authorities and bodies***; the Union's institutions and agencies as well as private entities*** shall not:

Amendment 89

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) interfere in or try to influence in any	(a) interfere in or try to influence in any

way, directly or indirectly, editorial ***policies and*** decisions by media service providers;	way, directly or indirectly, editorial policies ***and editorial*** ddecisions by media service providers;

Amendment 90

Proposal for a regulation
Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) oblige media services providers and their employees to disclose any information related to the editorial processing or to disseminate this information, including on their sources;

Amendment 91

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) detain, sanction, ***intercept,*** subject ***to surveillance or*** search and seizure, or inspect media service providers or, if applicable, their family members, ***their employees*** or their ***family members***, or their corporate and private premises, ***on the ground that they refuse to disclose information on*** their sources***, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law***;	(b) detain, sanction, subject search and seizure, or inspect media service providers***, their employees*** or, if applicable, their family members, or ***any other subject belonging to*** their ***professional network of relationships, including occasional contacts***, or their corporate and private premises, ***where such actions may lead to a violation of*** their ***professional activity and in particular where they might lead to access to journalistic*** sources;

Amendment 92

Proposal for a regulation
Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) access encrypted content data in any device or machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other subject belonging to their professional or private network of relationships, including occasional contacts;

Amendment 93

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) deploy ***spyware*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members***, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and*** other ***Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought***.	(c) deploy ***measures for surveillance or surveillance technologies or instruct private entities to use such technologies,*** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members ***or, if applicable, any*** other ***subject belonging to their professional network, including occasional contacts***.

Amendment 94

Proposal for a regulation
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) deploy spyware or any similar intrusive technologies, or instruct private entities to use such technologies, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.

Amendment 95

Proposal for a regulation
Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission	*Amendment*
	(c b) commission a third party to perform any of the measures under paragraphs (b), (ba), (c) and (ca).

Amendment 96

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Actions referred to in point (b) of paragraph 2, shall only be disposed if their deployment is unrelated to the professional activity of media service providers and their employees, does not lead to access to journalistic sources, is provided for under national law, is justified on a case-by-case basis for the prevention, investigation or prosecution of serious crimes, as listed in Article 2(17) of this Regulation, is in compliance with Article 52(1) of the Charter and other Union law, is proportionate in respect to the legitimate aim pursued, and when other legal measures would be inadequate and insufficient to obtain the information sought. Authorities undertaking these measures shall refrain from retrieving data related to the professional activity of media service providers and their employees, in particular data offering access to journalistic sources.

Amendment 97

Proposal for a regulation
Article 4 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. Measures referred to in points (ba) and (c) of paragraph 2 shall only be disposed if their deployment is unrelated to the professional activity of media service providers and of their employees, does not lead to access to journalistic sources, complies with the criteria prescribed in paragraph 2a and concerns

	only the investigation or prosecution of serious crimes as listed in Article 2(17) of this Regulation and that are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years, is used as a last resort when legal measures referred to in point (b) would be inadequate and insufficient to obtain the information sought and is subject to periodical review by an independent and impartial judicial authority. 2c (new) Measures referred to in point (ca) of paragraph 2 shall only be disposed if their deployment complies to the criteria set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 98

Proposal for a regulation
Article 4 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2 c. Measures referred to in point (ca) of paragraph 2 shall only be disposed if their deployment complies to the criteria set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 99

Proposal for a regulation
Article 4 – paragraph 2 d (new)

Text proposed by the Commission	*Amendment*
	2 d. Measures referred to in paragraph 2, points (b), (ba), (c) and (ca) shall not be disposed unless their deployment is, ex ante, exclusively ordered by an independent and impartial judicial authority with effective, known and accessible remedial measures ensured in accordance with Article 47 of the Charter and in compliance with other Union law. The deployment of measures referred to in paragraph 2, points (ba), (c) and (ca) shall be subject to ex post scrutiny by judicial review or by other independent oversight mechanism. Member States shall inform persons targeted by these measures, as well as those whose data or communication were accessed, of the fact, duration, scope and manner of processing the data obtained during the disposal of these measures as well as ensure access to redress through an independent body for those directly or indirectly affected by the disposal of such measures. Member States shall publish the number of requests approved and rejected for the disposal of such measures. The safeguards provided for by this paragraph, shall extend to natural persons in non-standard forms of employment, such as free-lancers exercising activities in the same field as media service providers and their employees.

Amendment 100

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to handle complaints lodged by media service providers or***, if applicable***, their family members, ***their employees or their*** family members, regarding breaches of paragraph 2, points ***(b) and (c)***. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points ***(b) and (c)***.	3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***and guarantee*** an independent authority or body***, such as an ombudsperson,*** to handle complaints lodged by media service providers or ***their employees***, their family members, ***the*** family members ***of their employees, or any other person professionally or privately associated with them***, regarding breaches of paragraph 2, ***first subparagraph,*** points ***(aa), (b), (ba), (c), (ca) and (cb)***. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, ***first subparagraph,*** points ***(aa), (b), (ba), (c), (ca) and (cb)***.

Amendment 101

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers shall provide in an impartial manner a plurality of information and opinions to ***their audiences***, in accordance with their public service ***mission***.	1. Public service media providers shall ***be editorially independent and*** provide ***independently and*** in an impartial manner a plurality of information and opinions to ***the recipients of media services***, in accordance with their public service ***remit***.

Amendment 102

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management ***and*** the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law.	The head of management***,*** the members of the governing board ***and all management positions that entail responsibility for editorial policy*** of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure***, while aimed at achieving a gender balanced representation*** and on the basis of transparent, objective, non-discriminatory and proportionate criteria ***that emphasises professional competence, political neutrality and commitment to public service journalism,*** laid down in advance by national law. ***Selection criteria shall be predictable and consistent for the candidates and shall be known no less than 1 year before the planned appointment.***

Amendment 103

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The duration of ***their*** term of office shall be ***established by national law, and*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***exceptionally*** where they no longer fulfil	The duration of ***the*** term of office ***of the head of management and the members of the governing board*** shall be ***of at least four***

the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law.	***years in order to*** be adequate and sufficient ***and*** to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***under exceptional circumstances and on the basis of a review mechanism*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law. ***At the end of the term or in case of a dismissal of the head of management of public service media providers, a new procedure for appointment of a head of management and the members of the governing board shall be opened. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public***.

Amendment 104

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
	Without prejudice to the right of Member States to define the competences and duties of the head of management and members of the governing board of public service media providers as laid down by national law, the head of management and members of the governing board shall not take, interfere or overrule editorial decisions of editors, who shall exercise editorial responsibility in public service media providers within the meaning of Article 2 (9) of this Regulation.

Amendment 105

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers ***have adequate and stable financial resources for the fulfilment of their*** public service ***mission***. Those ***resources*** shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers ***benefit from sustainable funding, aiming to facilitate and nurture editorial independence, allocated on a multi-year basis and determined according to predictable, transparent, independent, impartial and non-discriminatory procedures and on the basis of transparent, objective and proportionate criteria laid down in advance by national law taking into account the standards laid down in the 'Communication from the Commission on the application of State aid rules to*** public service ***broadcasting'[1a]*** . Those ***procedures*** shall

be such that editorial independence is safeguarded.

_____

[1a] OJ C 257, 27.10.2009, p. 1–14

Amendment 106

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.	4. Member States shall ***put in place mechanism and may,*** designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3. ***Following findings related to non-compliance or partial compliance with this Article, the designated independent authorities or bodies shall make the findings available to the public, launch an investigation in accordance with the corresponding regulatory provisions in the Member State and inform the European Board for Media Services and the Commission.***

Amendment 107

Proposal for a regulation
Article 6 – title

Text proposed by the Commission	*Amendment*
Duties of media service providers ***providing news and current affairs*** content	Duties of media service providers ***exercising editorial responsibility over*** content

Amendment 108

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Media service providers ***providing news and current affairs*** content shall make easily and directly accessible to the recipients of their services the following information:	1. Media service providers ***exercising editorial responsibility over*** content shall make easily and directly accessible to the recipients of their services the following information ***in electronic, machine readable and user-friendly format***:

Amendment 109

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) their legal name and ***contact*** details;	(a) their legal name and ***registration*** details;

Amendment 110

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the name(s) of their direct or indirect owner(s) with shareholdings ***enabling them to exercise influence on***	(b) the name***(s), and where applicable, its registered office, legal form and name(s) of legal representative***(s) of their

the operation and strategic decision making;	direct or indirect owner(s) with shareholdings ***of at least 15% of its capital and where applicable, the extent to which their direct, indirect or beneficial ownership is held by the government, a state institution, state-owned enterprise or other public body.***

Amendment 111

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the name(s) of their beneficial owners within the meaning of ***Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council.***	(c) the name(s) of their beneficial owners within the meaning of ***Article 2, paragraph 1, point 22 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation]***

Amendment 112

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) the legal name of any advertisers, sponsors or donors whose annual payments or contributions to the media service provider amount to 10% or more of that providers' annual turnover;

Amendment 113

Proposal for a regulation
Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission	*Amendment*
	(c b) the provision of political advertising services by clearly marking and labelling any advertised political or otherwise sponsored content and by making publicly accessible the content of any concluded contract for political advertising by the media service provider, including by disclosing the total monthly amount received for the advertising service, in accordance with Regulation (EU) 2023/XXX [Regulation on the transparency and targeting of political advertising];

Amendment 114

Proposal for a regulation
Article 6 – paragraph 1 – point c c (new)

Text proposed by the Commission	*Amendment*
	(c c) information concerning the ownership structure related to their parent and sister companies, as well as their subsidiaries;

Amendment 115

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. In duly justified cases and upon request, the media service providers, in compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board and to any other parties with legitimate interest the following up-to-date information
	(a) the business and financial interests, links or activities of their owners and their family members known to be close associates of politically exposed persons as defined in point 25, paragraph 1, of Article 2 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation];

Amendment 116

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. Media service providers shall submit upon request the information referred to in paragraph 1 to national regulatory authorities or bodies and the European Board for Media Services and inform them within 30 days of any change to their ownership.

Amendment 117

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional ***laws*** consistent with the Charter, media service providers providing news and current affairs content shall take ***measures that they deem*** appropriate ***with a view to guaranteeing*** the independence of individual editorial decisions***. In particular, such measures shall aim to:***	2. Without prejudice to national constitutional ***or other national laws, including national laws on media pluralism and media freedom*** consistent with the Charter, media service providers ***exercising editorial responsibility over content*** providing news and current affairs content shall take ***the*** appropriate ***self-regulatory measures to guarantee*** the independence of individual editorial decisions ***based on established professional editorial line.***
a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and	
(b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.	

Amendment 118

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) Without prejudice to the right of owners or the entity legally liable for the content to set out the general editorial line or strategic or general goals, owners or other company management of media service providers shall guarantee the independence of editors-in-chief and editors, with respect to individual editorial decisions taken in the exercise of their profession.

Amendment 119

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	(2 b) Without prejudice to national constitutional laws consistent with the Charter, media service providers exercising editorial responsibility over content shall take the appropriate self-regulatory measures to disclose conflict of interest by any party having a stake in media service providers that may affect the provision of content.

Amendment 120

Proposal for a regulation
Article 6 – paragraph 2 c – (new)

Text proposed by the Commission	*Amendment*
	(2 c) Media service providers are encouraged to develop self-regulatory instruments, as they deem appropriate, such as codes of conduct, in cooperation with professional associations or journalistic organisations, representatives of publishers and other stakeholders, establishing the principles of independence, reliability and freedom of information, as well as the roles, rights and obligations of the various actors involved in the information process.

Amendment 121

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.	***deleted***

Amendment 122

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article 6 a
	Media Ownership Restrictions
	1. A natural person entrusted with the following prominent public functions:
	a. in a Member State:
	i. heads of State, heads of government, ministers;
	b. at Union level:
	i. President of the European Council, President of the Commission and members of the Commission;
	c. in a third country:
	i. functions that are equivalent to those listed in point (a)
	shall not be beneficial owners, as defined within the meaning of Article 2, paragraph 1, point 22, of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation], of any press publications, or

	audiovisual media service within the duration of their term of office.
	2. When a person is entrusted with a prominent public function in accordance with paragraph 1 of this Article, they shall terminate the operation of the media service provider or shall terminate the business relationship, which allows for exercising influence over the media service provider, with the media service provider without undue delay, but not later than 60 days after becoming a politically exposed person.

Amendment 123

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Member States shall guarantee the organisational and functional autonomy of the national regulatory authorities or bodies, as well as the operational autonomy to manage their financial and human resources.

Amendment 124

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and

technical resources to carry out their tasks under this Regulation.	technical resources to carry out their tasks under this Regulation ***independently of any government, public or private body, transparently and without political or any other undue influence***. ***Such allocations shall be sustainable and proportional to the additional tasks conferred under this Regulation.***

Amendment 125

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. Member States shall ensure that the heads and members of national regulatory authorities and bodies are appointed through a transparent, open and non-discriminatory procedure and on the basis of objective, gender-balanced, clear, transparent and proportionate criteria laid down in advance by national law. They may be dismissed before the end of their term of office under exceptional circumstances where they no longer fulfil the legally predefined conditions required for the performance of their duties or serious misconduct as defined in advance by national law. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 126

Proposal for a regulation
Article 7 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. Members of the national regulatory authorities or bodies, their governing bodies and their management shall, in the performance of their tasks or the exercise of their powers, neither seek nor take instructions from the government, institution, person or body and fulfill their missions in an effective, independent and transparent manner. This shall not affect the competencies of the Board or the Commission in conformity with this Regulation.

Amendment 127

Proposal for a regulation
Article 7 – paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3 c. Within one year after the entry into application of this Regulation pursuant to Article 28(2), the Commission shall assess the implementation of this Article. To this end, Members States shall send all relevant information to the Commission upon its request.

Amendment 128

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.	Those powers shall ***be laid down in advance by national law and*** include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.

Amendment 129

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining a dedicated online media ownership database as the National Repository of Media Ownership, containing disaggregated data about different types of media, as defined in Article 6.1 of this Regulation, including at regional and/or local levels, to which the public would have direct, easy, swift and effective access free of charge. National regulatory authorities or bodies shall produce yearly reports on the ownership of media services under the jurisdiction of a given Member State and submit them to the European Board for Media Services.

Amendment 130

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4 b. National regulatory authorities or bodies shall submit data provided according to Article 6.1 of this Regulation to the European Database of Media Ownership on a bi-annual basis.

Amendment 131

Proposal for a regulation
Article 7 – paragraph 4 c (new)

Text proposed by the Commission	*Amendment*
	4 c. National regulatory authorities or bodies shall submit data provided according to article 24 to the European Database of State Financial Support on a bi-annual basis , including at regional and/or local levels, to which the public would have easy, swift and effective access free of charge.

Amendment 132

Proposal for a regulation
Article 7 – paragraph 4 d (new)

Text proposed by the Commission	*Amendment*
	4 d. National regulatory authorities or bodies shall organise annual consultations with representatives of the media sector established in the Union, civil society members, academia and independent media experts. The results of these consultations shall be reflected in reports published annually.

Amendment 133

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, ***person or body***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence***, including of any government or other undue influence,*** when performing its tasks or exercising its powers. In particular, the Board shall ***be completely autonomous***, in the performance of its tasks or the exercise of its powers ***of any political, governmental or other influence when performing its tasks and***, neither seek nor take instructions from any government, ***national agency, body, person or Union*** institution, ***body, office or agency***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.

Amendment 134

Proposal for a regulation
Article 10 – title

Text proposed by the Commission	*Amendment*
Structure of the Board	Structure ***and composition*** of the Board

Amendment 135

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.	1. The Board shall be composed of ***high level*** representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment 136

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The ***term*** of office of the Chair shall be two years.	4. The Board shall be represented by its Chair ***and its Vice-Chairs***. The Board shall elect a Chair ***and four Vice-Chairs*** from amongst its members by a two-thirds majority of its members with voting rights. The ***Board shall take into account geographical representation when electing its Chair and Vice-Chairs. The terms*** of office of the Chair ***and the Vice-Chairs*** shall be two years.

Amendment 137

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission shall designate a representative to the Board. The representative of the Commission shall participate in ***all*** activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall consult the Commission in preparation of its work programme and main deliverables.	5. The Commission shall designate a representative to the Board. The representative of the Commission shall participate in ***the*** activities and meetings of ***the Board, in agreement with*** the Board, without voting rights. The Chair of the Board shall keep the Commission ***and the European Parliament*** informed about the ongoing and planned activities of the Board. The Board shall consult the Commission ***and other relevant stakeholders*** in preparation of its work programme and main deliverables.

Amendment 138

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5 a. The Board may invite experts and observers from the Member States to attend its meetings.

Amendment 139

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board, in agreement with the Commission, may invite ***experts and*** observers to attend its meetings.	6. The Board, in agreement with the Commission, may invite observers ***from outside the Union*** to attend its meetings ***and may designate permanent observers from amongst national regulatory authorities with competence in the media field, coming from non-EU countries, which have entered into agreements with the Union to that effect. The observers shall not have voting rights.***

Amendment 140

Proposal for a regulation
Article 10 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6 a. The Board, in particular when discussing matters or taking decisions that concern the non-audiovisual media sector, shall consult with and take advice from the non-Audiovisual Media Expert Group;

Amendment 141

Proposal for a regulation
Article 10 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6 b. The Board shall organise annual consultations with representatives of the media services providers established in

	the Union, civil society members, academia and independent media experts. Without prejudice to the independence of the Board the results of these consultations shall be reflected in the preparation of its work programme and activities.

Amendment 142

Proposal for a regulation
Article 10 – paragraph 7 a (new)

Text proposed by the Commission	*Amendment*
	7 a. The voting rights of a national regulatory authority or body within the Board shall be suspended in case one or more of the following criteria are met:
	i. the Member State that the national regulatory authority or body is representing in the Board is the subject to an infringement procedure in connection with breach of Article 30 of Directive 2010/13/EU;
	ii. independent media pluralism monitoring instruments indicating a high risk of non-independence of the national regulatory authority or body in two consecutive years.
	iii. the Member State is subject to a procedure pursuant to Article 7 of the Treaty on European Union, following breaches of the rule of law relating to issues concerning the failure to uphold media freedom or media pluralism.
	iv. The report referred to in Article 12 paragraphs 1 point (g b) points to serious non-compliance of that regulatory authority or body with its obligations in defending the freedom of media in the

	member state.

Amendment 143

Proposal for a regulation
Article 10 – paragraph 7 b (new)

Text proposed by the Commission	*Amendment*
	7 b. The suspension of the voting rights shall be terminated once the criteria as set in Article 10 (7a) of this Regulation are no longer met

Amendment 144

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, ***in agreement*** with the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, ***following a consultation*** with the Commission. ***The results of this consultation shall not be binding for the Board. The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests. The Board shall inform the European Parliament of any substantial changes it adopts to its rules of procedure.***

Amendment 145

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission	*Amendment*
	Article 10 a
	Non-Audiovisual Media Expert Group
	1. The European Board for Media Services shall establish the Non-Audiovisual Media Expert Group (Expert Group);
	2. The Expert Group shall be composed by representatives of the media sector from beyond the audiovisual sector, appointed in a transparent, objective and non-discriminatory procedure, based on applications submitted to the Board;
	3. The number of members shall be laid down in the Board Rules of Procedure and shall comprise representatives from all Member States, as well as up to eight representatives of European journalistic associations, organisations or natural persons with expertise in the media sector;
	4. The Expert Group shall provide independent expertise, assistance, and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism the non-audiovisual media sector and may provide advice to the Board in any situations where requested by the Board;
	5. The Board shall consult the Expert Group when establishing its annual working programme and planned activities;

Amendment 146

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***have*** a secretariat***, which shall be provided by the*** Commission.	1. The Board shall ***be supported by*** a secretariat ***independent from the Commission and the Member States, acting only on the instructions of the Board. The secretariat shall be provided with sufficient budget, independent expertise and human resources to support the Board in carrying out tasks outlined in this Regulation***.

Amendment 147

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Members of the secretariat shall be selected and appointed through an open and transparent competition;

Amendment 148

Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the	Without prejudice to the powers granted to the Commission by the Treaties ***and the competences of national regulatory authorities or bodies***, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing ***of*** Directive

Union. The Board shall:	2010/13/EU throughout the Union. The Board shall:

Amendment 149

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;	(c) advise the Commission, ***on its own initiative or*** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;

Amendment 150

Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) ***on its own initiative, or*** when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;

Amendment 151

Proposal for a regulation
Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission	*Amendment*
(e) ***in agreement with the Commission,*** draw up opinions with respect to:	(e) draw up opinions with respect to:

Amendment 152

Proposal for a regulation
Article 12 – paragraph 1 – point e – point i

Text proposed by the Commission	*Amendment*
(i) requests for cooperation ***and*** mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation ***including exchange of information and/or*** mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;

Amendment 153

Proposal for a regulation
Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission	*Amendment*
(f) upon request of the Commission, draw up opinions with respect to:	(f) ***on its own initiative,*** upon request of the Commission ***or of the European Parliament***, draw up opinions with respect to:

Amendment 154

Proposal for a regulation
Article 12 – paragraph 1 – point f – point i

Text proposed by the Commission	*Amendment*
(i) national measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;	(i) national measures which are likely to affect the functioning of the internal market for media services ***or have a significant impact on media pluralism***, in accordance with Article 20(4) of this Regulation;

Amendment 155

Proposal for a regulation
Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission	*Amendment*
(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations ***and associated services such as printing and dissemination of products*** which are likely to affect the functioning of the internal market for media services ***and that could have a significant impact on media pluralism and editorial independence***, in accordance with Article 22(1) of this Regulation;

Amendment 156

Proposal for a regulation
Article 12 – paragraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article ***21(5)*** of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration ***and associated services such as printing and dissemination of products*** where such a concentration may affect the functioning of the internal market, in accordance with Article ***21*** of this Regulation ***(as well as existing concentrations at the entry into force of the present Regulation, in accordance with Article 22 of this Regulation), and make these findings available to the European Parliament upon its request***; ***when drawing up such opinions, the Board, in its assessment, shall take into consideration the findings of the Commission's Annual Rule of Law report, as well as those of instruments monitoring media pluralism in determining the overall risk towards media pluralism;***

Amendment 157

Proposal for a regulation
Article 12 – paragraph 1 – point g a (new)

Text proposed by the Commission	*Amendment*
	(g a) issue and monitor compliance with publicly available guidelines and recommendations on methodology to assess media market concentrations as referred to in Article 21 of this Regulation;

Amendment 158

Proposal for a regulation
Article 12 – paragraph 1 – point h – point ii

Text proposed by the Commission	*Amendment*
(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations ***and associated services such as printing and dissemination of products***, in accordance with Article 21(3) of this Regulation;

Amendment 159

Proposal for a regulation
Article 12 – paragraph 1 – point l a (new)

Text proposed by the Commission	*Amendment*
	(l a) under request or at its own initiative, the Board may provide mediation assistance in case of no agreement between media service providers and providers of very large online platforms pursuant to Article 17(4)

Amendment 160

Proposal for a regulation
Article 12 – paragraph 1 – point m

Text proposed by the Commission	*Amendment*
(m) foster the exchange of best practices	(m) foster the exchange of best practices

related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.	***and promote compliance with existing codes of conduct*** related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment 161

Proposal for a regulation
Article 12 – paragraph 1 – point m a (new)

Text proposed by the Commission	*Amendment*
	(m a) draw up and make available to national regulatory authorities and bodies established according to Directive 2010/13/EU a template for reporting on the ownership of media service providers and the allocation of state resources according to Article 6(4) and Article 24(2a) of this Regulation.

Amendment 162

Proposal for a regulation
Article 12 – paragraph 1 – point m b (new)

Text proposed by the Commission	*Amendment*
	(m b) establish and operate a European Repository of Public Funding for State Advertising allocated to media service providers (AM 81 Rapp) in all Member States, compiled on the basis of the reports submitted by national regulatory authorities or bodies and including the calculation of ration of state advertising allocated to media service providers in relation to their annual revenue and

	establish an European level benchmarks on allocation practices;

Amendment 163

Proposal for a regulation
Article 12 – paragraph 1 – point m c (new)

Text proposed by the Commission	*Amendment*
	(m c) establish and maintain the European Database for Media Ownership collecting information provided by national regulatory authorities and bodies, in accordance with Article 6 of this Regulation.

Amendment 164

Proposal for a regulation
Article 12 – paragraph 1 – point m d (new)

Text proposed by the Commission	*Amendment*
	(m d) organise a structured dialogue with representatives of media service providers, civil society, academia and other relevant stakeholders to cooperate and exchange information, experience and best practices on the implementation of this Regulation and Directive 2010/13/EU. The results of these consultations shall inform the preparation of its work programme and activities, and shall be publicly available.

Amendment 165

Proposal for a regulation
Article 12 – paragraph 1 – point m e (new)

Text proposed by the Commission	*Amendment*
	(m e) prepare a detailed annual report of its activities and tasks as provided for in this Article, in particular an overview of the state of play of compliance with the recommendations issued by the Board. The annual report shall be made publicly available. The Board shall provide, in its future annual reports, a follow-up of the previous reports prepared.

Amendment 166

Proposal for a regulation
Article 12 – paragraph 1 – point m f (new)

Text proposed by the Commission	*Amendment*
	(m f) develop guidelines and recommendations on criteria, in consultation with media stakeholders, for the distribution of public funds through state financial support in accordance with article 24 of this Regulation, that ensure they are insulated from political interference.

Amendment 167

Proposal for a regulation
Article 12 – paragraph 1 – point m g (new)

Text proposed by the Commission	*Amendment*
	(m g) analyse the potential interdependency between media service providers and the state created by financial flows from the state to media owners via state contracts through companies belonging to the same business group as the media service provider, operating in other industries. The Board should draw up guidelines on how to prevent any conflict of interest arising from and its potential impact on editorial policy.

Amendment 168

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to public security ***and defence***, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.	2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to ***democracy and rule of law and/or*** public security, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.

Amendment 169

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it***, as specified in the Board's Rules of Procedure***.

Amendment 170

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.	6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days. ***Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, shall be defined in the Board's rules of procedure.***

Amendment 171

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue, ***in agreement with the Commission,*** an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.	7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

Amendment 172

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1.	2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1***, or justify the reasons for which action was not taken***.

Amendment 173

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken ***or a refusal to take action*** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment 174

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion***, in agreement with the Commission,*** without undue delay.	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion without undue delay.

Amendment 175

Proposal for a regulation
Article 15 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU ***and Article 6 of this Regulation , as well as of their parent or sister companies or of their subsidiaries***.

Amendment 176

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall ***foster*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***facilitate*** the development of ***technical*** standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.	4. The Board shall ***facilitate*** cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***promote*** the development of ***EU-wide harmonised*** standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.

Amendment 177

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall coordinate measures by national regulatory authorities or	1. ***Without prejudice to Article 3 of Directive 2010/13/EU,*** the Board shall***,***

bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.	***upon the request of the national regulatory authorities or bodies from at least two Member States,*** coordinate ***relevant*** measures by national regulatory authorities or bodies ***concerned,*** related to the dissemination of or access to media services provided by media service providers established***, originating, funded or owned by state and non-state actors from*** outside the Union that***, irrespective of their means of distribution,*** target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public ***interest, public*** security and defence***, including foreign interference within the EU information ecosystem and public health***.

Amendment 178

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board***, in agreement with the Commission,*** may issue opinions on appropriate national measures under paragraph 1. ***All*** competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board may issue opinions on appropriate national measures under paragraph 1. ***National regulatory authorities or bodies of a country of destination may request the Board to issue an opinion advising the*** competent national authorities ***to take appropriate measures against the media service provider established, originating funded or owned by state and non-state actors from outside the Union. The Board shall issue guidelines on the format of such requests. When the request is formulated by a minimum number of Board members, defined in the Board's rules of***

	procedure, the Board shall be automatically triggered to issue an opinion. The Board may consult the Commission in issuing such opinions, where deemed appropriate. Without prejudice to their powers under national law, the competent national authorities concerned, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. ***The competent authority or body shall provide reasons for any refusal to undertake the recommended actions.***

Amendment 179

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. When preparing its opinion, the Board shall confirm that the following conditions are met:
	(i) there is substantiated evidence that the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, public health or the content of the audiovisual media service provider manifestly, seriously and gravely infringes article 6(1) of Directive 2010/13/EU.
	(ii) the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union.

Amendment 180

Proposal for a regulation
Article 16 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. Member States shall ensure that when relevant, national regulatory authorities or bodies, when deciding to take action (inter alia through licensing or registration) against a media service provider established or originating, funded or owned by state and non-state actors from outside the Union, have a legal basis to take into account at least one of the following conditions:
	(i) a decision taken against that provider by a national regulatory authority or body from another Member State and/or;
	(ii) an opinion of the Board relating to that provider and taken on the grounds of this article.

Amendment 181

Proposal for a regulation
Article 16 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2 c. Online platforms and online search engines shall cooperate fully with any investigations or inquiries conducted by regulatory authorities or bodies on media service providers from outside the Union, that may present a risk to public security and defence, and shall provide all required information and data to support such investigations or inquiries.

Amendment 182

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***it is*** a media service provider within the meaning of Article 2(2);	(a) ***they are*** a media service provider within the meaning of Article 2(2) ***and comply with the obligations set out in Article 6(1)***;

Amendment 183

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Where media service providers decide to submit a declaration as set out in paragraph 1, these declarations shall be reviewed at the national level by the appropriate regulatory or self-regulatory authorities and bodies, or where such bodies do not exist, by a committee of representatives of experts from the media sector.

Amendment 184

Proposal for a regulation
Article 17 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. Where the declarations set out in paragraph 1 are invalidated at the national level, they shall be referred to the European Board of Media Services. The Board shall issue an assessment on the status of the declaration, upon the consent of the media service provider, and send this opinion to the Commission. The Commission shall take into consideration the opinion of the Board and issue a decision on the status of the declaration. The Board and the Commission may consult experts from the media sector when conducting this process.

Amendment 185

Proposal for a regulation
Article 17 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1 c. Providers of very large online platforms shall ensure that their content moderation processes have adequate and sufficient personnel, linguistic range and cultural sensitivity and context-specific training, to ensure that freedom and pluralism of the media is not undermined.

Amendment 186

Proposal for a regulation
Article 17 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1 d. Providers of very large online platforms which allow for the dissemination of media services shall respect the right to freedom of expression and freedom of the media and shall ensure the fair and non-discriminatory distribution on their services of media services provided by media service providers.

Amendment 187

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/XXX [Digital Services Act]***, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) ***2022/XXX [Digital Services Act]***, to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.	2. Where a provider of very large online platform decides to ***restrict or*** suspend the provision of its online intermediation services in relation to content ***or services*** provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content ***or services*** is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/2065***, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) ***2022/2065***, to communicate to the media service provider concerned the ***detailed*** statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17(3) of Regulation (EU) 2022/2065***

	[Digital Services Act], and provide the media service provider with an opportunity to reply to the statement of reasons within 24 hours prior to the suspension ***or restriction*** taking effect. ***During that time the provider of the very large online platform may decide to put a notice on the content or service that is being under inspection. A provider of a very large online platform shall not restrict or suspend the provision of its online intermediation services in relation to content or services provided by a media service provider where that that media service provider has reasonably demonstrated that the content or services in question are in accordance with the national law of the Member State concerned.***
	The media service provider may notify the outcome of such exchanges to the national regulatory authority, to the Board or to the national digital services coordinator as referred in the Regulation (EU) 2022/2065, (DSA).
	If no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation 2022/2065 without prejudice to its right to effective judicial protection.

Amendment 188

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online platforms shall take all the necessary	3. Providers of very large online platforms shall take all the necessary

technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.	technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***and/or Article 20 of Regulation (EU) 2022/2065 [Digital Services Act]*** by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.

Amendment 189

Proposal for a regulation
Article 17 – paragraph 5 – point a

Text proposed by the Commission	*Amendment*
(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; ***and***	(a) the number of instances where they imposed any restriction or suspension on the grounds that the content ***or services*** provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions;

Amendment 190

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission	*Amendment*
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***may*** issue guidelines to establish the form and details of the declaration set out in	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***shall adopt a delegated act in order to*** issue guidelines to establish the form and details of the ***review process set out in***

paragraph 1.	***paragraph 1a, the*** declaration set out in paragraph 1***, the criteria for accepting or refusing the declarations set out in paragraph 1, as well as any possible sanctions to be taken against natural or legal persons abusing the system of self-declaration***.

Amendment 191

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms ***and very large online search engines***, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and ***very large online search engines and*** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference***, as well as to ensure the autonomy, independence and security of journalists and to identify numbers and trends related to the subject matter, volume, and affected parties***.

Amendment 192

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall report on the results of the dialogue to the Commission ***and make the results available to the public and the European Parliament upon request***.

Amendment 193

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The organisations referred to in paragraph 1 and having activities at European level shall be registered in the Transparency Register and the list thereof shall be made public by the Board.

Amendment 194

Proposal for a regulation
Article 19 – title

Text proposed by the Commission	*Amendment*
Right of customisation of audiovisual media offer	Right of customisation of ***the audio and*** audiovisual media offer

Amendment 195

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Users shall have ***a right*** to easily ***change*** the default ***settings*** of any device or user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.	1. Users shall have ***access to a functionality allowing them*** to easily ***customise*** the default ***layout*** of any device or user interface controlling or managing access to and use of ***audio or*** audiovisual media services***,*** in order to customise the ***audio or*** audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.

Amendment 196

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default ***settings*** controlling or managing access to and use of the audiovisual media services offered.	2. When placing the devices***,*** and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default ***layout*** controlling or managing access to and use of the audiovisual media services offered.

Amendment 197

Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission	*Amendment*
	Article 19 a
	Right to identify the content of a media service
	1. Recipients of media services shall have a right to easily identify the media service provider on any device or user interface controlling or managing access to and use of media services.
	2. Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and services offered.

Amendment 198

Proposal for a regulation
Article 20 – title

Text proposed by the Commission	*Amendment*
National measures affecting the operation of media service providers	National measures affecting the ***provision and*** operation of media service providers

Amendment 199

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. Any legislative***, implementing***, regulatory or administrative measure taken by a Member State***, including, but not limited to, the implementation of Directive 2010/13/EU*** that is liable to affect the ***provision of media services or*** operation of media service providers in the internal market shall be duly justified***,*** and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory***, shall not disproportionately disrupt the operation of media service providers and shall follow the principle of non-regression on EU values in Member States with respect to media freedom and independence***.

Amendment 200

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.	3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body***, which may be a court of law***. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise ***and funding*** to enable it to carry out its functions

	effectively ***and to respond to any appeals timely***. ***Where the Board has issued an opinion on the matter, such national appellate bodies may take this into particular consideration.***

Amendment 201

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.	4. The Board, upon ***its own initiative or at the*** request of the Commission ***or the media service provider affected by the measure***, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services***. The opinion shall, where applicable, include the justification, the proportionality analysis and can include consultation with national stakeholders***. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available. ***Where applicable, media service providers that consider to be directly affected by such measures shall also be able to request the Board to issue an opinion.***

Amendment 202

Proposal for a regulation
Article 20 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.	5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned. ***Media service providers considering to be directly affected by such measures shall be able to request the Board to issue an opinion.***

Amendment 203

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment referred to in this paragraph shall be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.	The assessment referred to in this paragraph shall ***provide an independent evaluation of any undue distortions to the media environment and*** be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

Amendment 204

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity ***and independence*** of media players on the market***, focusing on the activities related to the provision of information***, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Amendment 205

Proposal for a regulation
Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) the results of the risk assessment made by the annual Commission Rule of Law Report and media pluralism monitoring instruments to identify, analyse and asses any systemic risks to media freedom and media pluralism in the particular Member State

Amendment 206

Proposal for a regulation
Article 21 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions;	(b) the safeguards for editorial independence, including the impact of the concentration on the functioning ***and independence*** of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions***, as well as national legislation and self-regulatory norms in this regard***;

Amendment 207

Proposal for a regulation
Article 21 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, ***and*** whether there are any possible alternatives to ensure its economic sustainability***.***	(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, whether there are any possible alternatives to ensure its economic sustainability***, as well as the absence of the proposed concentration would have a negative impact on media pluralism;***

Amendment 208

Proposal for a regulation
Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) the entirety of the media market, including the associated services such as printing and dissemination of products (SD horizontal AMs), online environment actors such as the providers of very large online platforms or very large online search engines as well as public media service providers.

Amendment 209

Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6 a. The respective national regulatory authorities or bodies, at their own initiative or requested by the Board, shall conduct an ex-post evaluation of concentrations taking into account criteria referred to in paragraph 2.

Amendment 210

Proposal for a regulation
Article 21 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6 b. The assessments and opinions referred to in this Article shall be made publicly available.

Amendment 211

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the Commission.	1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***at its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the ***European Parliament and the*** Commission.

Amendment 212

Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. The Board shall take utmost account of input from civil society and other stakeholders from the media sector when deciding whether to draw up an assessment on a concentration which would objectively impact the media market.

Amendment 213

Proposal for a regulation
Article 22 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1 b. The National Regulatory Authority who is addressed by the opinion shall report to the Board within 90 days concerning the measures it has taken to comply with the recommendations.

Amendment 214

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22 a
	Investigation of media market concentrations into systematic non-compliance
	1. Following the recommendation of the Board pursuant to Article 22(1e), or under request of the European Parliament, or on its own initiative, the Commission may conduct an investigation of a media market concentration for the purpose of examining whether such concentration has engaged in systematic non-compliance with the obligations laid down under this Regulation, putting in serious risk the independence, plurality and freedom of media. The Commission shall conclude the investigation within 6 months. Where the findings of the investigation show that a media market concentration has systematically

infringed the obligations laid down in this Regulation and that there is a clear risk of seriously undermining the independence, plurality and freedom of the media, the Commission is empowered to adopt a delegated act pursuant to Article 22c, imposing on the undertakings part of the media market concentration any behavioural or structural remedies which are proportionate and necessary to ensure effective compliance with this Regulation and the protection of media freedom, pluralism and independence.

2. The remedy imposed in accordance with paragraph 1 of this Article may include, to the extent that such remedy is proportionate and necessary in order to maintain or restore the independence, plurality and freedom of media as affected by the systematic non-compliance, the prohibition, during a limited period, for the undertakings which are part of the media market concentration under investigation to remain or enter into a further media market concentration as defined in Article 2, paragraph 13, of this Regulation.

3. A media market concentration shall be deemed to have engaged in systematic non-compliance with the obligations laid down in this Regulation, where the opinions of concentrations issued by the Board pursuant to Article 22of this Regulation conclude that there is a potential risk to the independence, plurality and freedom of media and issues a recommendation to the Commission pursuant to Article 22(1e) of this Regulation advising the Commission to launch an investigation in order to determine whether the concerned media market concentration poses a serious risk to the independence, plurality and freedom of media. For the purpose of its investigation, the Commission shall take into account procedures launched under

	Article 7 TEU.
	4. The Commission shall communicate its findings to the Member States and undertakings concerned within 6 months from the date of the adoption of the recommendation issued by the Board pursuant to Article 22, paragraph 1e, of this Regulation. In its findings, the Commission shall explain whether it considers that the conditions of paragraph 1 and 3 of this Article are met and which remedy or remedies it considers necessary and proportionate. The findings of the Commission shall be public and made available to the European Parliament and to the Council.
	5. In the course of the investigation of a media market concentration, the Commission may extend its duration where such extension is justified on objective grounds and proportionate. The total duration of any extension or extensions pursuant to this paragraph shall not exceed 6 months. The Commission shall inform the European Parliament and the Council.
	6. In order to ensure effective compliance by the media market concentration with its obligations laid down in this Regulation, the Commission shall regularly review the remedies that it imposes in accordance with paragraphs 1 and 2 of this Article. The Commission shall be entitled to modify those remedies if, following an investigation of a media market concentration, it finds that they are not effective.

Amendment 215

Proposal for a regulation
Article 22 b (new)

Text proposed by the Commission	*Amendment*
	Article 22 b
	Non-compliance
	1. The Commission shall adopt a delegated act pursuant to Article 22c, setting out its findings of non-compliance ('the non-compliance decision') where it finds that a media market concentration has engaged in systematic non-compliance with this Regulation putting a serious risk to the independence, plurality and freedom of media.
	2. The Commission shall endeavour to adopt its non-compliance decision within 12 months from the opening of an investigation pursuant to Article 22a.
	3. Before adopting the non-compliance decision, the Commission shall communicate its findings to the undertakings concerned. In those findings, the Commission shall explain the measures it is considering taking or that it considers that the undertakings concerned should take in order to effectively address the findings.
	4. Where it intends to adopt a non-compliance decision, the Commission may consult relevant stakeholders.
	5. In the non-compliance decision, the Commission shall order the undertakings concerned to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with that decision.
	6. The undertakings concerned shall provide the Commission with the description of the measures that it has taken to ensure conformity with the non-compliance decision.
	7. Where the Commission decides not to adopt a non-compliance decision, it shall

	close the proceedings.
	8. The non-compliance decisions issued by the Commission shall be made publicly available.

Amendment 216

Proposal for a regulation
Article 22 c (new)

Text proposed by the Commission	*Amendment*
	Article 22 c
	Delegated Acts
	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
	2. The power to adopt delegated acts referred to in Articles 22a and 22b shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].
	3. The power to adopt delegated acts referred to in Articles 22a and 22b may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13

	April 2016 on Better Law-Making.
	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
	6. A delegated act adopted pursuant to Articles 22a and 22b shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Amendment 217

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability.

Amendment 218

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' ***business*** secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' ***trade*** secrets ***within the meaning of Article 2(1) of Directive (EU) 2016/943***, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.

Amendment 219

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations***, civil society*** and any other interested parties, ***shall draw up codes of conduct, with the support of national regulatory authorities or bodies*** that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. ***These codes of conduct should provide for regular, transparent and independent monitoring and evaluation of the***

	achievement of these objectives. The codes of conduct should provide effective implementation including through proportionate sanctions where appropriate. In the drawing up of codes of conduct, special consideration should be given to small media to ensure proper measurements of their audiences.

Amendment 220

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems ***media service providers, civil society organisations*** and other interested parties.

Amendment 221

Proposal for a regulation
Article 24 – title

Text proposed by the Commission	*Amendment*
Allocation of state advertising	Allocation ***and transparency*** of state advertising ***and other state financial support***

Amendment 222

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	1. Public funds***, including European Union, national or local funds,*** or any other consideration or advantage granted by public authorities to media service providers***, including to very large online platform providers and very large online search engine providers,*** for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. ***Such funds allocated by any public authority to a singular media service provider, including to a very large online platform provider or to a very large search online engine provider shall not exceed 15% of the total budget allocated by the said public authority to the totality of media service providers operating in the corresponding European, national or local market;*** This Article shall not affect public procurement rules ***and political advertising***.

Amendment 223

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Public authorities, including national, federal or regional ***governments***, regulatory authorities or bodies, as well as	2. ***Relevant*** public authorities, including ***at Union,*** national, federal or regional ***or local level***, regulatory

state-owned enterprises or other state-controlled entities at the national ***or*** regional ***level,*** or local ***governments of territorial entities of more than 1 million inhabitants,*** shall make publicly available accurate, comprehensive, intelligible, detailed ***and*** yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:	authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national ***,*** regional or local ***level*** shall make publicly available ***through electronic and user-friendly means*** accurate, comprehensive, intelligible, ***and machine readable format*** detailed yearly information about their advertising expenditure ***and other financial support from public funds, including European Union funds,*** allocated to media service providers ***and online providers of online platforms***, which shall include at least the following details:

Amendment 224

Proposal for a regulation
Article 24 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the legal names of media service providers from which advertising services were purchased;	(a) the legal names of media service providers ***or providers of online platforms*** from which advertising services were purchased ***or to whom an advantage was given***;

Amendment 225

Proposal for a regulation
Article 24 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the total annual amount spent as well as the amounts spent per media service provider.	(b) the total annual amount spent as well as the amounts spent per media service provider ***or providers of online platforms and the ratio of funds allocated***

	to singular media service providers out of the total budget allocated to the totality of media service providers on the corresponding European, national or local level.

Amendment 226

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall monitor the allocation of state advertising ***in*** media ***markets***. In order to assess the accuracy of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.	3. National regulatory authorities or bodies shall monitor the allocation of state advertising ***or other financial support to*** media ***service providers and providers of online platforms***. In order to assess the accuracy of the information on state advertising ***and other financial support*** made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.

Amendment 227

Proposal for a regulation
Article 24 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The Board, on its own initiative or as a result of input from civil society, journalistic organisations or other relevant stakeholders, may decide to assess the allocation of European Union

	funding by national governments and issue an opinion on the application and compliance with paragraph 1.

Amendment 228

Proposal for a regulation
Article 24 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. National regulatory authorities or bodies shall submit data provided by public authorities pursuant to paragraph 2 on a bi-annual basis to the European Board for Media Services for the purpose of establishing European Database of State Financial Support.

Amendment 229

Proposal for a regulation
Article 24 – paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3 c. The allocation of state resources to media service providers, for the purpose of transmitting emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3, 6 months of adoption of those emergency measures. Such allocations shall always be subject to the requirements set out in paragraph 1.

Amendment 230

Proposal for a regulation
Article 24 – paragraph 3 d (new)

Text proposed by the Commission	*Amendment*
	3 d. Member States shall publish, on an annual basis, details of all contracts between state bodies or state-owned enterprises and media service providers or other entities that belong to the same business grouping and their beneficial owners. This report should be published alongside the yearly National Regulatory Authorities reports on state advertising and other financial support.

Amendment 231

Proposal for a regulation
Article 24 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The allocation of state ***resources*** to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.	4. The allocation of state ***advertising or other financial support*** to media service providers ***and providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.

Amendment 232

Proposal for a regulation
Article 25 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The Commission shall in its monitoring exercise take account of the Board's reports, assessments and recommendations, input from civil society, the results from the media pluralism monitoring instruments and the findings from Rule of Law Reports.

Amendment 233

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The monitoring exercise shall include:	3. The monitoring exercise shall include***, in particular***:

Amendment 234

Proposal for a regulation
Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) a detailed overview of the allocation of state advertising and state financial support to media service providers and providers of online platforms, including of European Union funding.

Amendment 235

Proposal for a regulation
Article 25 – paragraph 3 – point b b (new)

Text proposed by the Commission	*Amendment*
	(b b) an assessment of the rules and practices in the allocation of public subsidies to media services;

Amendment 236

Proposal for a regulation
Article 25 – paragraph 3 – point b c (new)

Text proposed by the Commission	*Amendment*
	(b c) a detailed assessment of the decisions taken by media regulatory bodies to see if there is any undermining of independent decision-making and of the independence of national authorities or bodies;

Amendment 237

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [***four*** years after the entry into force of this Regulation] at the latest, and every ***four*** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament,	1. By [***two*** years after the entry into force of this Regulation] at the latest, and every ***two*** years thereafter, the Commission shall evaluate ***the implementation of*** this Regulation and

the Council and the European Economic and Social Committee.	report to the European Parliament, the Council and the European Economic and Social Committee.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
References	COM(2022)0457 – C9-0309/2022 – 2022/0277(COD)
Committee responsible Date announced in plenary	CULT 17.10.2022
Opinion by Date announced in plenary	LIBE 17.10.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Ramona Strugariu 22.3.2023
Discussed in committee	26.4.2023
Date adopted	18.7.2023
Result of final vote	+: 38 –: 10 0: 1
Members present for the final vote	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Saskia Bricmont, Patricia Chagnon, Clare Daly, Lena Düpont, Nicolaus Fest,

	Maria Grapini, Sylvie Guillaume, Evin Incir, Sophia in ‘t Veld, Patryk Jaki, Fabienne Keller, Moritz Körner, Alice Kuhnke, Juan Fernando López Aguilar, Lukas Mandl, Erik Marquardt, Nadine Morano, Emil Radev, Paulo Rangel, Isabel Santos, Birgit Sippel, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Yana Toom, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Damian Boeselager, Gwendoline Delbos-Corfield, Matjaž Nemec, Jan-Christoph Oetjen, Kostas Papadakis, Cristian Terheş, Miguel Urbán Crespo
Substitutes under Rule 209(7) present for the final vote	Andrus Ansip, Robert Biedroń, Eric Minardi, Jan Olbrycht, Christian Sagartz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Lukas Mandl, Jan Olbrycht, Emil Radev, Paulo Rangel, Christian Sagartz, Javier Zarzalejos
Renew	Abir Al-Sahlani, Andrus Ansip, Malik Azmani, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Ramona Strugariu, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Maria Grapini, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Matjaž Nemec, Isabel Santos, Birgit Sippel, Elena Yoncheva
Verts/ALE	Damian Boeselager, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Tineke Strik

10	-
ECR	Patryk Jaki, Cristian Terheş
ID	Patricia Chagnon, Nicolaus Fest, Eric Minardi, Annalisa Tardino
NI	Kostas Papadakis
The Left	Konstantinos Arvanitis, Clare Daly, Miguel Urbán Crespo

1	0
PPE	Nadine Morano

Key to symbols:

+ : in favour
- : against
0 : abstention